NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT (EXCERPT)

Act 451 of 1994

324.3104 Cooperation and negotiation with other governments as to water resources; alteration of watercourses; federal assistance; formation of Great Lakes aquatic nuisance species coalition; report; requests for appropriations; recommendations; permit to alter floodplain; application; fees; disposition of fees; public hearing; minor floodplain projects; other parts subject to single highest permit fee.

Sec. 3104.

(1) The department is designated the state agency to cooperate and negotiate with other governments, governmental units, and governmental agencies in matters concerning the water resources of this state, including, but not limited to, flood control, beach erosion control, water quality control planning, development, and management, and the control of aquatic nuisance species. The department shall have control over the alterations of natural or present watercourses of all rivers and streams in this state to ensure that the channels and the portions of the floodplains that are the floodways are not inhabited and are kept free and clear of interference or obstruction that will cause any undue restriction of the capacity of the floodway. The department may take steps as may be necessary to take advantage of any act of congress that may be of assistance in carrying out the purposes of this part, including the water resources planning act, 42 USC 1962 to 1962d-3, and the federal water pollution control act, 33 USC 1251 to 1389.

(2) To address discharges of aquatic nuisance species from oceangoing vessels that damage water quality, aquatic habitat, or fish or wildlife, the department shall facilitate the formation of a Great Lakes aquatic nuisance species coalition. The Great Lakes aquatic nuisance species coalition must be formed through an agreement entered into with other states in the Great Lakes basin to implement on a basin-wide basis water pollution laws that prohibit the discharge of aquatic nuisance species into the Great Lakes from oceangoing vessels. Upon entering into the agreement, the department shall notify the Canadian Great Lakes provinces of the terms of the agreement. The department shall seek funding from the Great Lakes protection fund authorized under part 331 to implement the Great Lakes aquatic nuisance species coalition.

(3) The department shall report to the governor and the legislature at least annually on any plans or projects being implemented or considered for implementation. The report must include requests for legislation needed to implement any proposed projects or agreements made necessary as a result of a plan or project, together with any requests for appropriations. The department may make recommendations to the governor on the designation of areawide water quality planning regions and organizations relative to the governor's responsibilities under the federal water pollution control act, 33 USC 1251 to 1389.

(4) A person shall not alter a floodplain except as authorized by a floodplain permit issued by the department under part 13. An application for a floodplain permit must include information required by the department to assess the proposed alteration's impact on the floodplain. If an alteration includes activities at multiple locations in a floodplain, 1 application may be filed for combined activities.

(5) Except as otherwise provided in this section, until October 1, 2029, an application for a floodplain permit must be accompanied by a fee of $500.00. Until October 1, 2029, if the department determines that engineering computations are required to assess the impact of a proposed floodplain alteration on flood stage or discharge characteristics, the department shall assess the applicant an additional $1,500.00 to cover the department's cost of review.

(6) After providing notice and an opportunity for a public hearing, the department shall establish minor project categories of activities within floodplains and floodplain projects that are similar in nature, have minimal potential for causing harmful interference when performed separately, and will have only minimal cumulative adverse effects on the environment. All other provisions of this part, except provisions applicable only to floodplain general permits, are applicable to a minor project. A minor project category must not be valid for more than 5 years, but may be re-established. Until October 1, 2029, an application for a floodplain permit for a minor project category must be accompanied by a fee of $100.00.

(7) The department, after notice and an opportunity for a public hearing, shall issue general permits on a statewide basis or within a local unit of government for floodplain projects that are similar in nature, have minimal potential for causing harmful interference when performed separately, and will have only minimal cumulative adverse effects on the environment. A general permit category must not be valid for more than 5 years, but may be re-established. Until October 1, 2029, an application for a floodplain permit for a general permit category must be accompanied by a fee of $50.00.

(8) By December 31, 2019, the department shall propose new minor project and general project categories as authorized under subsections (6) and (7).

(9) The department may issue, deny, or impose conditions on project activities authorized under a floodplain permit for a minor project category or a general permit category if the conditions are designed to remove an impairment to a river and its floodplain, or to mitigate the effects of the project. The department may also establish a reasonable time when the proposed project is to be completed or terminated.

(10) If the department determines that activity in a proposed project, although within a floodplain minor project category or a floodplain general permit category, is likely to cause more than minimal adverse environmental effects, the department may require that the application be processed according to subsection (5).

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

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

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

(a) Part 301.

(b) Part 303.

(c) Part 323.

(d) Part 325.

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

History: 1994, Act 451, Eff. Mar. 30, 1995 ;-- Am. 1995, Act 169, Imd. Eff. Oct. 9, 1995 ;-- Am. 1999, Act 106, Imd. Eff. July 7, 1999 ;-- Am. 2003, Act 163, Imd. Eff. Aug. 12, 2003 ;-- Am. 2004, Act 325, Imd. Eff. Sept. 10, 2004 ;-- Am. 2005, Act 33, Imd. Eff. June 6, 2005 ;-- Am. 2008, Act 276, Imd. Eff. Sept. 29, 2008 ;-- Am. 2011, Act 90, Imd. Eff. July 15, 2011 ;-- Am. 2015, Act 82, Eff. Oct. 1, 2015 ;-- Am. 2018, Act 518, Eff. Mar. 28, 2019 ;-- Am. 2021, Act 91, Imd. Eff. Oct. 20, 2021 ;-- Am. 2025, Act 30, Imd. Eff. Oct. 7, 2025
Popular Name: Act 451
Popular Name: NREPA
Admin Rule: R 323.1001 et seq. of the Michigan Administrative Code.