

NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT (EXCERPT)
Act 451 of 1994
Part 325
GREAT LAKES SUBMERGED LANDS

324.32501 Additional definitions.

Sec. 32501.

As used in this part:

- (a) "Department" means the department of environmental quality.
- (b) "Director" means the director of the department.
- (c) "Marina purposes" means an operation making use of submerged bottomlands or filled-in bottomlands of the Great Lakes for the purpose of service to boat owners or operators, which operation may restrict or prevent the free public use of the affected bottomlands or filled-in lands.

History: Add. 1995, Act 59, Imd. Eff. May 24, 1995 ;-- Am. 2003, Act 14, Imd. Eff. June 5, 2003 ;-- Am. 2012, Act 247, Imd. Eff. July 2, 2012

Compiler's Notes: For transfer of authority, powers, duties, functions, and responsibilities of the Land and Water Management Division, with the exception of the farmland and open space preservation program, natural rivers program, and Michigan information resource inventory system, to the Director of the Michigan Department of Environmental Quality, see E.R.O. No. 1995-16, compiled at MCL 324.99901 of the Michigan Compiled Laws.

Popular Name: Act 451

Popular Name: NREPA

324.32502 Unpatented lake bottomlands and unpatented made lands in Great Lakes; construction of part.

Sec. 32502.

The lands covered and affected by this part are all of the unpatented lake bottomlands and unpatented made lands in the Great Lakes, including the bays and harbors of the Great Lakes, belonging to the state or held in trust by it, including those lands that have been artificially filled in. The waters covered and affected by this part are all of the waters of the Great Lakes within the boundaries of the state. This part shall be construed so as to preserve and protect the interests of the general public in the lands and waters described in this section, to provide for the sale, lease, exchange, or other disposition of unpatented lands and the private or public use of waters over patented and unpatented lands, and to permit the filling in of patented submerged lands whenever it is determined by the department that the private or public use of those lands and waters will not substantially affect the public use of those lands and waters for hunting, fishing, swimming, pleasure boating, or navigation or that the public trust in the state will not be impaired by those agreements for use, sales, lease, or other disposition. The word "land" or "lands" as used in this part refers to the aforesaid described unpatented lake bottomlands and unpatented made lands and patented lands in the Great Lakes and the bays and harbors of the Great Lakes lying below and lakeward of the natural ordinary high-water mark, but this part does not affect property rights secured by virtue of a swamp land grant or rights acquired by accretions occurring through natural means or reliction. For purposes of this part, the ordinary high-water mark shall be at the following elevations above sea level, international Great Lakes datum of 1955: Lake Superior, 601.5 feet; Lakes Michigan and Huron, 579.8 feet; Lake St. Clair, 574.7 feet; and Lake Erie, 571.6 feet.

History: Add. 1995, Act 59, Imd. Eff. May 24, 1995

Compiler's Notes: For transfer of authority, powers, duties, functions, and responsibilities of the Land and Water Management Division, with the exception of the farmland and open space preservation program, natural rivers program, and Michigan information resource inventory system, to the Director of the Michigan Department of Environmental Quality, see E.R.O. No. 1995-16, compiled at MCL 324.99901 of the Michigan Compiled Laws.

Popular Name: Act 451

Popular Name: NREPA

324.32503 Agreements pertaining to waters over and filling in of submerged patented lands; lease or deed of unpatented lands; terms, conditions, and requirements; reservation of mineral rights; exception; lease or deed allowing drilling operations for exploration of oil or gas purposes; execution of agreement, lease, or deed with United States.

Sec. 32503.

(1) Except as otherwise provided in this section, the department, after finding that the public trust in the waters will not be impaired or substantially affected, may enter into agreements pertaining to waters over and the filling in of submerged patented lands, or to lease or deed unpatented lands, after approval of the state administrative board. Quitclaim deeds, leases, or agreements covering unpatented lands may be issued or entered into by the department with any person, and shall contain such terms, conditions, and requirements as the department determines to be just and equitable and in conformance with the public trust. The department shall reserve to the state all mineral rights, including, but not limited to, coal, oil, gas, sand, gravel, stone, and other materials or products located or found in those lands, except where lands are occupied or to be occupied for residential purposes at the time of conveyance.

(2) The department shall not enter into a lease or deed that allows drilling operations beneath unpatented lands for the exploration or production of oil or gas.

(3) An agreement, lease, or deed entered into under this part by the department with the United States shall be entered into and executed pursuant to the property rights acquisition act, 1986 PA 201, MCL 3.251 to 3.262.

History: Add. 1995, Act 59, Imd. Eff. May 24, 1995 ;-- Am. 2002, Act 148, Imd. Eff. Apr. 5, 2002 ;-- Am. 2004, Act 325, Imd. Eff. Sept. 10, 2004 ;-- Am. 2012, Act 247, Imd. Eff. July 2, 2012

Compiler's Notes: Enrolled House Bill No. 5118 was not signed by the Governor, but, having been presented to him at 3:44 p.m. on March 22, 2002, and not having been returned by him to the House of Representatives within the 14 days prescribed by Const 1963, art IV, sec 33, became law (2002 PA 148) on April 5, 2002, the Legislature having continued in session.

Popular Name: Act 451

Popular Name: NREPA

324.32504 Unpatented lake lands and unpatented made lands; application for conveyance; contents; qualifications of applicant; consent; approval; fee.

Sec. 32504.

(1) Application for a deed or lease to unpatented lands or agreement for use of water areas over patented lands shall be on forms provided by the department. An application shall include a surveyed description of the lands or water area applied for, together with a surveyed description of the riparian or littoral property lying adjacent and contiguous to the lands or water area, certified to by a registered land surveyor. The description shall show the location of the water's edge at the time it was prepared and other information that is required by the department. The applicant shall be a riparian or littoral owner or owners of property touching or situated opposite the unpatented land or water area over patented lands applied for or an occupant of that land. The application shall include the names and mailing addresses of all persons in possession or occupancy or having an interest in the adjacent or contiguous riparian or littoral property or having riparian or littoral rights or interests in the lands or water areas applied for, and the application shall be accompanied by the written consent of all persons having an interest in the lands or water areas applied for in the application.

(2) Before an application is acted upon by the department, the applicant shall secure approval of or permission for his or her proposed use of such lands or water area from any federal agency as provided by law, the department with the advice of the Michigan waterways commission, and the legislative body of the local unit or units of government within which such land or water area is or will be included, or to which it is contiguous or adjacent. A deed, lease, or agreement shall not be issued or entered into by the department without such approvals or permission. The department may also require the applicant to furnish an abstract of title and ownership, and a 20-year tax history on the riparian or littoral property that is contiguous or adjacent to the lands or water area applied for, as well as on the lands applied for, if available.

(3) The department shall require the applicant to deposit a fee of not less than \$50.00 for each application filed. The fee shall be deposited with the state treasurer to the credit of the state's general fund. If a deed, lease, or other agreement is approved by the department, the applicant is entitled to credit for the fee against the consideration that is paid for the deed, lease, or other agreement.

History: Add. 1995, Act 59, Imd. Eff. May 24, 1995

Popular Name: Act 451
Popular Name: NREPA

324.32504a Restoration or maintenance of lighthouse; lease or agreement for use of lands; "approved organization" defined.

Sec. 32504a.

(1) The department may accept an application under this part from an approved organization, whether or not the approved organization is a riparian landowner, and may enter into a lease or agreement for the use of lands described in section 32502 on which a lighthouse is located, including the use of water over those lands immediately adjacent to the lighthouse.

(2) As used in this section, "approved organization" means a lawful nonprofit entity as approved by the department, a local unit of government, a federal or state agency or department, an educational agency, or a community development organization, that is seeking to secure a lease or agreement under this section for the purpose of restoring or maintaining a lighthouse.

History: Add. 2002, Act 650, Imd. Eff. Dec. 23, 2002
Popular Name: Act 451
Popular Name: NREPA

324.32505 Unpatented lake bottomlands and unpatented made lands; consideration for conveyances or lease.

Sec. 32505.

(1) If the department determines that it is in the public interest to grant an applicant a deed or lease to lands or enter into an agreement to allow use and improvements in the waters or to enter into any other agreement in regard thereto, the department shall determine the amount of consideration to be paid to this state by the applicant for the conveyance or lease of unpatented lands.

(2) The department may allow, by lease or agreement, the filling in of patented and unpatented submerged lands and allow permanent improvements and structures after finding that the public trust will not be impaired or substantially injured.

(3) The department may issue deeds or may enter into leases of unpatented lands if the lands have been artificially filled in or are proposed to be changed from the condition that exists on October 14, 1955 by filling, sheet piling, shoring, or by any other means, and the lands are used or to be used or occupied in whole or in part for uses other than existing, lawful riparian or littoral purposes. The consideration to be paid to this state for the conveyance or lease of unpatented lands by the applicant shall be not less than the fair, cash market value of the lands determined as of the date of the filing of the application, minus any improvements placed on the lands, but the sale price shall not be less than 30% of the value of the land. In determining the fair, cash market value of the lands applied for, the department may consider the fact that the lands are connected with the riparian or littoral property belonging to the applicant, and the uses, including residential and commercial, being made or which can be made of the lands.

(4) Agreements for the lands or water area described in section 32502 may be granted to or entered into with local units of government for public purposes. The agreements may contain terms and conditions considered just and equitable given the public trust involved and may grant permission to fill those lands as necessary.

(5) If unpatented lands have not been filled in or in any way substantially changed from their natural character and the application to acquire or lease those lands is filed for the purpose of flood control, shore erosion control, drainage and sanitation control, or to straighten irregular shore lines, then the consideration to be paid to this state by the applicant shall be the fair, cash value of the land, giving due consideration to its being adjacent to and connected with the riparian or littoral property owned by the applicant.

(6) Leases or agreements covering unpatented lands may be granted or entered into with riparian or littoral proprietors for commercial marina purposes or for marinas operated by persons for consideration and containing terms and conditions considered by the department to be just and equitable. The leases may include either filled or unfilled lake bottomlands, or both. Rental shall commence as of the date of use of the unpatented lands for the

marina operations. Dockage and other uses by marinas in waters over patented lands on October 14, 1955 shall be considered to be lawful riparian or littoral use.

(7) The department may enter into a lease with the owner of riparian or littoral property, occupied only for single-family residential purposes, to use the abutting unpatented lake bottomlands and waters over those bottomlands for a private harbor if all of the following conditions are met:

- (a) The private harbor was formed by a breakwater erected on unpatented lake bottomlands.
- (b) The private harbor is used exclusively for private, noncommercial recreational watercraft.
- (c) The full-term of the lease is 50 years consisting of two 25-year terms.
- (d) The consideration for the lease is as follows:

(i) For a lease entered into on or after the effective date of the amendatory act that amended this section, a lump-sum payment at the beginning of the first 25-year term of the agreement of 0.5% of twice the current state equalized value of the lessee's upland riparian or littoral property or payment of the lump sum pursuant to a schedule as agreed by the department, and a lump-sum payment at the beginning of the second 25-year term of the agreement of 0.5% of twice the current state equalized value of the lessee's upland riparian or littoral property or payment of the lump sum pursuant to a schedule as agreed by the department.

(ii) Unless otherwise requested by the lessee and agreed to by the department, for a lease entered into prior to the effective date of the amendatory act that amended this section, the department shall credit any lease payment made in 2016 against the future payments owed under the terms of subparagraph (i).

(8) If the department after investigation determines that an applicant to acquire or lease lands has willfully and knowingly filled in or in any way substantially changed the lands with an intent to defraud, or if the applicant has acquired the lands with knowledge of such a fraudulent intent and is not an innocent purchaser, the consideration shall be the fair, cash market value of the land or leasehold. An applicant may request a hearing of a determination made under this subsection. The department shall grant a hearing if requested.

History: Add. 1995, Act 59, Imd. Eff. May 24, 1995 ;-- Am. 2018, Act 18, Eff. May 14, 2018

Popular Name: Act 451

Popular Name: NREPA

324.32506 Unpatented lands and unpatented made lands; value determination by department; appraisal; decision of court.

Sec. 32506.

The fair, cash market value of lands approved for sale under this part shall be determined by the department. Consideration paid to the state shall not be less than \$50.00. If the applicant is not satisfied with the value determined by the department, within 30 days after the receipt of the determination he or she may submit a petition in writing to the circuit court of the county in which the lands are located, and the court shall appoint an appraiser or appraisers as the court shall determine for an appraisal of the lands. The decision of the court is final.

History: Add. 1995, Act 59, Imd. Eff. May 24, 1995

Popular Name: Act 451

Popular Name: NREPA

324.32507 Receipts; disposition; accounting; employees.

Sec. 32507.

(1) All money received by the department from the sale, lease, or other disposition of land and water areas under this part shall be forwarded to the state treasurer and be credited to the land and water management permit fee fund created in section 30113.

(2) The department shall comply with the accounting laws of this state and the requirements with respect to submission of budgets. The department may hire employees, assistants, and services that may be necessary within the appropriation made by the legislature and may delegate this authority as may be necessary to implement this part.

History: Add. 1995, Act 59, Imd. Eff. May 24, 1995

Popular Name: Act 451

Popular Name: NREPA

324.32508 Lands conveyed; taxation.

Sec. 32508.

All lands conveyed or leased under this part are subject to taxation and the general property tax laws and other laws as other real estate used and taxed by the governmental unit or units within which the land is or may be included.

History: Add. 1995, Act 59, Imd. Eff. May 24, 1995

Popular Name: Act 451

Popular Name: NREPA

324.32509 Rules.

Sec. 32509.

The department may promulgate rules, in accordance with the requirements of law, consistent with this part, that may be necessary to implement this part.

History: Add. 1995, Act 59, Imd. Eff. May 24, 1995

Popular Name: Act 451

Popular Name: NREPA

324.32510 Land filled, excavated, or modified without approval; misdemeanor; penalty; issuance or service of appearance ticket; "minor offense" defined.

Sec. 32510.

(1) Except as provided in subsection (2), a person who excavates or fills or in any manner alters or modifies any of the land or waters subject to this part without the approval of the department is guilty of a misdemeanor, punishable by imprisonment for not more than 1 year or a fine of not more than \$1,000.00, or both. Land altered or modified in violation of this part shall not be sold to any person convicted under this section at less than fair, cash market value.

(2) A person who commits a minor offense is guilty of a misdemeanor, punishable by a fine of not more than \$500.00 for each violation. A law enforcement officer may issue and serve an appearance ticket upon a person for a minor offense pursuant to sections 9a to 9g of chapter IV of the code of criminal procedure, Act No. 175 of the Public Acts of 1927, being sections 764.9a to 764.9g of the Michigan Compiled Laws.

(3) As used in this section, "minor offense" means either of the following violations of this part if the department determines that restoration of the affected property is not required:

- (a) The failure to obtain a permit under this part.
- (b) A violation of a permit issued under this part.

History: Add. 1995, Act 59, Imd. Eff. May 24, 1995

Popular Name: Act 451

Popular Name: NREPA

324.32511 Certificate of location of lakeward boundary; application; riparian owner; fee.

Sec. 32511.

A riparian owner may apply to the department for a certificate suitable for recording indicating the location of his or her lakeward boundary or indicating that the land involved has accreted to his or her property as a result of natural accretions or placement of a lawful, permanent structure. The application must be accompanied by a fee of \$200.00 and proof of upland ownership.

History: Add. 1995, Act 59, Imd. Eff. May 24, 1995 ;-- Am. 2018, Act 18, Eff. May 14, 2018

Popular Name: Act 451

Popular Name: NREPA

324.32512 Acts prohibited; exceptions; activities not subject to regulation; applicability of subsection (2) to certain lands.

Sec. 32512.

(1) Except as provided in subsection (2), unless a permit has been granted by the department pursuant to part 13 or authorization has been granted by the legislature, or except as to boat wells and slips facilitating private, noncommercial, recreational boat use, not exceeding 50 feet in length where the spoil is not disposed of below the ordinary high-water mark of the body of water to which it is connected, a person shall not do any of the following:

(a) Construct, dredge, commence, or do any work with respect to an artificial canal, channel, ditch, lagoon, pond, lake, or similar waterway where the purpose is ultimate connection of the waterway with any of the Great Lakes, including Lake St. Clair.

(b) Connect any natural or artificially constructed waterway, canal, channel, ditch, lagoon, pond, lake, or similar waterway with any of the Great Lakes, including Lake St. Clair, for navigation or any other purpose.

(c) Dredge or place spoil or other material on bottomland.

(d) Construct a marina.

(2) Except as provided in subsection (3), the following activities are not subject to regulation under this part:

(a) Leveling of sand, removal of vegetation, grooming of soil, or removal of debris, in an area of unconsolidated material predominantly composed of sand, rock, or pebbles, located between the ordinary high-water mark and the water's edge.

(b) Mowing of vegetation between the ordinary high-water mark and the water's edge.

(3) Subsection (2) does not apply to lands included in the survey of the delta of the St. Clair River, otherwise referred to as the St. Clair flats, located within Clay township, St. Clair county, as provided for in 1899 PA 175.

History: Add. 1995, Act 59, Imd. Eff. May 24, 1995 ;-- Am. 2003, Act 14, Imd. Eff. June 5, 2003 ;-- Am. 2012, Act 247, Imd. Eff. July 2, 2012

Popular Name: Act 451

Popular Name: NREPA

324.32512a Minor project categories; activities; conditions; application; notice; general permit.

Sec. 32512a.

(1) After providing notice and an opportunity for a public hearing, the department shall establish minor project categories of activities that are similar in nature, have minimal adverse environmental effects when performed separately, and will have only minimal cumulative adverse effects on the environment. The department may act upon an application received pursuant to section 32513 for an activity within a minor project category without

providing notice pursuant to section 32514. A minor project category shall not be valid for more than 5 years, but may be reestablished. All other provisions of this part, except provisions applicable only to general permits, are applicable to a minor project.

(2) The department, after notice and opportunity for a public hearing, shall issue general permits on a statewide basis or within a local unit of government for a category of activities if the department determines that the activities are similar in nature, will cause only minimal adverse environmental effects when performed separately, and will have only minimal cumulative adverse effects on the environment. A general permit shall be based on the requirements of this part and the rules promulgated under this part, and shall set forth the requirements and standards that shall apply to an activity authorized by the general permit. Before authorizing a specific project to proceed under a general permit, the department may provide notice pursuant to section 32514 but shall not hold a public hearing and shall not typically require a site inspection. A general permit shall not be valid for more than 5 years, but may be reissued.

History: Add. 2003, Act 14, Imd. Eff. June 5, 2003 ;-- Am. 2009, Act 120, Eff. Nov. 6, 2009 ;-- Am. 2012, Act 247, Imd. Eff. July 2, 2012
Compiler's Notes: Enacting section 1 of Act 120 of 2009 provides: "Enacting section 1. This amendatory act does not take effect unless both of the following requirements are met: "(a) \$4,000,000.00 from the cleanup and redevelopment trust fund created in section 3e of 1976 IL 1, MCL 445.573e, and \$4,000,000.00 from the community pollution prevention fund created in section 3f of 1976 IL 1, MCL 445.573f, is appropriated by the legislature to the environmental protection fund created in section 503a of the natural resources and environmental protection act, 1994 PA 451, MCL 324.503a."(b) \$2,000,000.00 is appropriated by the legislature from the environmental protection fund to support the program under part 303 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.30301 to 324.30329."
Popular Name: Act 451
Popular Name: NREPA

324.32513 Application for permit; contents; fees; disposition of fees.

Sec. 32513.

(1) To obtain a permit for any activity specified in section 32512, a person shall file an application with the department on a form provided by the department. The application must include all of the following:

- (a) The name and address of the applicant.
- (b) The legal description of the lands included in the project.
- (c) A summary statement of the purpose of the project.
- (d) A map or diagram showing the proposal on an adequate scale with contours and cross-section profiles of any waterway to be constructed.

(e) Other information required by the department.

(2) Except as provided in subsections (3) and (4), until October 1, 2025, an application for a permit under this section must be accompanied by the following fee, as applicable:

(a) For a project in a category of activities for which a general permit is issued under section 32512a(2), a fee of \$50.00.

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

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

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

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

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

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

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

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

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

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

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

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

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

(vi) New breakwater or channel jetty.

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

bottomlands.

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

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

(3) 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) Section 3104.

(b) Part 301.

(c) Part 303.

(d) Part 323.

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

(4) If work is 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 if the application is accompanied by a fee equal to 2 times the permit fee otherwise required under this section.

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

History: Add. 1995, Act 59, Imd. Eff. May 24, 1995 ;-- Am. 1995, Act 170, Imd. Eff. Oct. 9, 1995 ;-- Am. 1999, Act 106, Imd. Eff. July 7, 1999 ;-- Am. 2003, Act 14, Imd. Eff. June 5, 2003 ;-- Am. 2003, Act 163, Imd. Eff. Aug. 12, 2003 ;-- Am. 2008, Act 276, Imd. Eff. Sept. 29, 2008 ;-- Am. 2009, Act 120, Eff. Nov. 6, 2009 ;-- Am. 2011, Act 90, Imd. Eff. July 15, 2011 ;-- Am. 2012, Act 247, Imd. Eff. July 2, 2012 ;-- Am. 2013, Act 11, Imd. Eff. Mar. 27, 2013 ;-- Am. 2013, Act 98, Imd. Eff. July 2, 2013 ;-- Am. 2015, Act 76, Eff. Oct. 1, 2015 ;-- Am. 2019, Act 84, Imd. Eff. Sept. 30, 2019 ;-- Am. 2021, Act 91, Imd. Eff. Oct. 20, 2021

Compiler's Notes: Enacting section 1 of Act 120 of 2009 provides: "Enacting section 1. This amendatory act does not take effect unless both of the following requirements are met: "(a) \$4,000,000.00 from the cleanup and redevelopment trust fund created in section 3e of 1976 IL 1, MCL 445.573e, and \$4,000,000.00 from the community pollution prevention fund created in section 3f of 1976 IL 1, MCL 445.573f, is appropriated by the legislature to the environmental protection fund created in section 503a of the natural resources and environmental protection act, 1994 PA 451, MCL 324.503a."(b) \$2,000,000.00 is appropriated by the legislature from the environmental protection fund to support the program under part 303 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.30301 to 324.30329."

Popular Name: Act 451

Popular Name: NREPA

324.32514 Application for permit; copies to department of community health, local units, and adjacent riparian owners; objections; public hearing; notice; conditional permit; additional conditions.

Sec. 32514.

(1) Upon receipt of the application, the department shall mail copies of the application to the department of community health, the clerks of the county, city, village, and township, and, if one exists, the drain commissioner of the county, in which the project or body of water affected is located, and to the adjacent riparian owners. Along with the application, the department shall include a statement that unless a written objection is filed with the department within 20 days after the mailing of the copies of the application, the department may take action to grant the application. The department may hold a public hearing on the application. If the department holds a public hearing, the department shall provide notice of the public hearing by publication in a newspaper circulated in the county and by mailing copies of the notice to the persons named in this section at least 10 days prior to the date of the public hearing.

(2) Notwithstanding subsection (1), the department may issue a conditional permit before the expiration of the 20-day period if emergency conditions warrant a project to protect property or public health, safety, or welfare. Following the 20-day period and any public hearing that is held, the department shall take into consideration additional information or objections received and may, consistent with this part, place additional conditions on the final permit.

History: Add. 1995, Act 59, Imd. Eff. May 24, 1995 ;-- Am. 2013, Act 12, Imd. Eff. Mar. 27, 2013

Popular Name: Act 451

Popular Name: NREPA

324.32515 Artificial waterway; permit; issuance; conditions; maintenance.

Sec. 32515.

If the department finds that the project will not injure the public trust or interest including fish and game habitat, that the project conforms to the requirements of law for sanitation, and that no material injury to the rights of any riparian owners on any body of water affected will result, the department shall issue a permit authorizing enlargement of the waterway affected. The permit shall provide that the artificial waterway shall be a public waterway, except intake or discharge canals or channels on property owned, controlled, and used by a public utility. The existing and future owners of land fronting on the artificial waterway are liable for maintenance of the waterway in accordance with the conditions of the permit.

History: Add. 1995, Act 59, Imd. Eff. May 24, 1995 ;-- Am. 2004, Act 325, Imd. Eff. Sept. 10, 2004

Popular Name: Act 451

Popular Name: NREPA

324.32515a Dredging or placing dredged spoils on bottomland; permit; conditions.

Sec. 32515a.

A permit under this part to dredge or place dredged spoil on bottomland is subject to all of the following:

- (a) The permit shall be valid for a period of 5 years.
- (b) During the term of the permit, the department shall not require additional environmental studies or surveys unless an act of God results in significant geological or ecological changes to the permitted area.
- (c) The permit shall allow, at the discretion of the applicant, open lake disposal of dredge material that is not contaminated with toxic substances as defined in R 323.1205 of the Michigan administrative code in waters at the 30-meter depth contour or deeper. However, dredge materials shall not be disposed of within a Great Lakes bottomland preserve established under part 761, a permitted submerged log removal area under part 326, or a lake trout or diporeia refuge.

History: Add. 2013, Act 87, Imd. Eff. June 28, 2013

Popular Name: Act 451

Popular Name: NREPA

324.32516 Repealed. 2012, Act 247, Imd. Eff. July 2, 2012.

Compiler's Notes: The repealed section pertained to identification of Great Lakes and Lake St. Clair shoreline where removal of vegetation is allowed.