



SENATE BILL No. 748

November 2, 1995, Introduced by Senators DUNASKISS, STILLE, DINGELL, HONIGMAN, CARL, STEIL, YOUNG, SHUGARS, GOUGEON, CISKY and STALLINGS and referred to the Committee on Transportation and Tourism.

A bill to amend section 30105 of Act No. 451 of the Public Acts of 1994, entitled "Natural resources and environmental protection act," as added by Act No. 59 of the Public Acts of 1995, being section 324.30105 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 30105 of Act No. 451 of the Public Acts
2 of 1994, as added by Act No. 59 of the Public Acts of 1995, being
3 section 324.30105 of the Michigan Compiled Laws, is amended to
4 read as follows:

5 Sec. 30105. (1) Until October 1, 1995, a person who desires
6 notification of pending applications may submit a written request
7 to the department accompanied by an annual fee of \$25.00. The
8 department shall forward all annual fees to the state treasurer
9 for deposit into the fund. The department shall prepare a

1 monthly list of the applications made during the previous month
 2 and shall promptly mail copies of the list for the remainder of
 3 the calendar year to the persons who have ~~so~~ requested notice.
 4 The monthly list shall state the name and address of each appli-
 5 cant, the legal description of the lands included in the
 6 applicant's project, and a summary statement of the purpose of
 7 the project. The department may hold a public hearing on pending
 8 applications.

9 (2) Except as otherwise provided in this section, upon
 10 receiving an application, the department shall submit copies OF
 11 THE APPLICATION for review to ~~the~~ ALL OF THE FOLLOWING:

12 (A) THE director of public health or the local health
 13 department designated by the director of public health. ~~to~~
 14 ~~the~~

15 (B) THE city, village, or township and the county where the
 16 project is to be located. ~~to the~~

17 (C) THE local soil conservation district. ~~to the~~

18 (D) THE local watershed council organized under part 311, if
 19 any. ~~to the~~

20 (E) THE local port commission, if any. ~~and to the~~

21 (F) THE persons required to be included in the application
 22 pursuant to section 30104(1).

23 (3) Each copy of the application SUBMITTED UNDER SUBSECTION
 24 (2) shall be accompanied by a statement that unless a written
 25 request is filed with the department within 20 days after the
 26 submission OF THE APPLICATION for review, the department may
 27 grant the application without a public hearing where the project

1 is located. The department may hold a public hearing upon the
2 written request of the applicant or a riparian owner or a person
3 or governmental unit that is entitled to receive a copy of the
4 application pursuant to this subsection. IF THE APPLICATION IS
5 FOR THE CONSTRUCTION OF A MARINA, UPON THE REQUEST OF ANY PERSON,
6 THE DEPARTMENT SHALL HOLD A PUBLIC HEARING ON THE PERMIT
7 APPLICATION.

8 (4) ~~(3)~~ After completion of a project for which an appli-
9 cation is approved, the department may cause a final inspection
10 to be made and certify to the applicant that the applicant has
11 complied with the department's permit requirements.

12 (5) ~~(4)~~ At least 10 days' notice of a hearing to be held
13 under this section shall be given by publication in a newspaper
14 circulated in the county where the project is to be located and
15 by mailing copies of the notice to the persons who have requested
16 the monthly list pursuant to subsection (1), to the person
17 requesting the hearing, and to the persons and governmental units
18 that are entitled to receive a copy of the application pursuant
19 to subsection (2).

20 (6) ~~(5)~~ The department shall grant or deny the permit
21 within 60 days, or within 90 days if a public hearing is held,
22 after the filing of an application pursuant to section 30104. If
23 a permit is denied, the department shall provide to the applicant
24 a concise written statement of its reasons for denial of the
25 permit, and, if it appears that a minor modification of the
26 application would result in the granting of the permit, the
27 nature of the modification shall be stated. In an emergency, the

1 department may issue a conditional permit before the expiration
2 of the 20-day period referred to in subsection ~~(2)~~ (3).

3 (7) ~~(6)~~ The department, by rule promulgated under section
4 30110(1), may establish minor project categories of activities
5 and projects that are similar in nature and have minimal adverse
6 environmental impact. The department may act upon an application
7 received pursuant to section 30104 for an activity or project
8 within a minor project category after an on-site inspection of
9 the land and water involved without providing notices or holding
10 a public hearing pursuant to subsection (2) OR (3). A final
11 inspection or certification of a project completed under a permit
12 granted pursuant to this subsection is not required, but all
13 other provisions of this part are applicable to a minor project.