

SUBSTITUTE FOR
SENATE BILL NO. 1058

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending sections 30103 and 32512 (MCL 324.30103 and
324.32512), as added by 1995 PA 59.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 30103. (1) A permit is not required for any of the
2 following:

3 (a) Any fill or structure existing before April 1, 1966, in
4 waters covered by former ~~Act No. 291 of the Public Acts of 1965~~
5 1965 PA 291, and any fill or structures existing before January
6 9, 1973, in waters covered for the first time by former ~~Act~~
7 ~~No. 346 of the Public Acts of 1972~~ 1972 PA 346.

8 (b) A seasonal structure placed on bottomland to facilitate
9 private noncommercial recreational use of the water if it does

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1 not unreasonably interfere with the use of the water by others
2 entitled to use the water or interfere with water flow.

3 (c) Reasonable sanding of beaches to the existing water's
4 edge by a riparian owner.

5 (d) Construction or maintenance of a private agricultural
6 drain regardless of outlet.

7 (e) A waste collection or treatment facility that is
8 approved for construction by the department of public health or
9 ordered or approved by the department.

10 (f) Construction and maintenance of minor drainage struc-
11 tures and facilities ~~which~~ THAT are identified by rule promul-
12 gated by the department ~~pursuant to~~ UNDER section 30110(1).
13 Before such a rule is promulgated, the rule shall be approved by
14 the majority of a committee consisting of the director, the
15 director of the department of agriculture, and the director of
16 the state transportation department or their designated
17 representatives. The initial rules shall be issued before July
18 8, 1973, and shall be reviewed at least annually after that
19 date.

20 (g) Maintenance and improvement of all drains legally estab-
21 lished or constructed prior to January 1, 1973, pursuant to the
22 drain code of 1956, ~~Act No. 40 of the Public Acts of 1956, being~~
23 ~~sections 280.1 to 280.630 of the Michigan Compiled Laws~~ 1956
24 PA 40, MCL 280.1 TO 280.630, except those legally established
25 drains constituting mainstream portions of certain natural water-
26 courses identified in rules promulgated by the department under
27 section ~~30110~~ 30110(1).

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1 (h) Projects constructed under the watershed protection and
2 flood prevention act, chapter 656, 68 Stat. 666, 16 U.S.C. 1001
3 to 1008 and 1010.

4 (i) Construction and maintenance of privately owned cooling
5 or storage ponds used in connection with a public utility except
6 at the interface with public waters.

7 (j) Maintenance of a structure constructed under a permit
8 issued pursuant to this part and identified by rule promulgated
9 under section 30110(1), if the maintenance is in place and in
10 kind with no design or materials modification.

11 (K) THE MAINTENANCE OR REPAIR OF A SERVICEABLE SEAWALL OR
12 DOCK IF BOTH OF THE FOLLOWING CONDITIONS ARE MET:

13 (i) THE MAINTENANCE OR REPAIR WILL RESULT IN THE SAME TYPE
14 OF STRUCTURE AS THE ORIGINAL WITH THE SAME DIMENSIONS AS THE
15 ORIGINAL.

16 (ii) THE ORIGINAL STRUCTURE WAS PERMITTED UNDER THIS PART OR
17 FORMER 1972 PA 346.

18 (2) AS USED IN THIS SECTION, "SERVICEABLE SEAWALL OR DOCK"
19 MEANS A STRUCTURE THAT IS USABLE AND FUNCTIONAL FOR THE INTENDED
20 PURPOSE. THE STRUCTURE MAY REQUIRE SOME MAINTENANCE BUT IS NOT
21 SO DEGRADED AS TO REQUIRE REPAIRS COSTING MORE THAN 20% OF THE
22 FAIR MARKET VALUE OF A NEW STRUCTURE OF SIMILAR DESIGN.

23 Sec. 32512. (1) Unless a permit has been granted by the
24 department or authorization has been granted by the legislature,
25 or except as to boat wells and slips facilitating private, non-
26 commercial, recreational boat use, not exceeding 50 feet in
27 length where the spoil is not disposed of below the ordinary

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1 high-water mark of the body of water to which it is connected, OR
2 AS TO SEAWALLS OR DOCKS AS PROVIDED IN SUBSECTION (2), a person
3 shall not do any of the following:

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

8 (b) Connect any natural or artificially constructed water-
9 way, canal, channel, ditch, lagoon, pond, lake, or similar water-
10 way with any of the Great Lakes, including Lake St. Clair, for
11 navigation or any other purpose.

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

13 (d) Construct a marina.

14 (2) A PERMIT IS NOT REQUIRED UNDER THIS PART FOR THE MAINTEN-
15 NANCE OR REPAIR OF A SERVICEABLE SEAWALL OR DOCK IF BOTH OF THE
16 FOLLOWING CONDITIONS ARE MET:

17 (A) THE MAINTENANCE OR REPAIR WILL RESULT IN THE SAME TYPE
18 OF STRUCTURE AS THE ORIGINAL WITH THE SAME DIMENSIONS AS THE
19 ORIGINAL.

20 (B) THE ORIGINAL STRUCTURE WAS PERMITTED.

21 (3) AS USED IN THIS SECTION, "SERVICEABLE SEAWALL OR DOCK"
22 MEANS A STRUCTURE THAT IS USABLE AND FUNCTIONAL FOR THE INTENDED
23 PURPOSE. THE STRUCTURE MAY REQUIRE SOME MAINTENANCE BUT IS NOT
24 SO DEGRADED AS TO REQUIRE REPAIRS COSTING MORE THAN 20% OF THE
25 FAIR MARKET VALUE OF A NEW STRUCTURE OF SIMILAR DESIGN.