

SENATE BILL NO. 1058

April 22, 1998, Introduced by Senator JAYE and referred to the
Committee on Hunting, Fishing and Forestry.

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. 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

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 PA
24 40, MCL 280.1 TO 280.630, except those legally established drains
25 constituting mainstream portions of certain natural watercourses
26 identified in rules promulgated by the department under section
27 ~~30110~~ 30110(1).

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) CONSTRUCTION AND MAINTENANCE OF A FISHING PIER.

12 Sec. 32512. Unless a permit has been granted by the depart-
13 ment or authorization has been granted by the legislature, or
14 except as to FISHING PIERS OR boat wells and slips facilitating
15 private, noncommercial, recreational boat use, not exceeding 50
16 feet in length where the spoil is not disposed of below the ordi-
17 nary high-water mark of the body of water to which it is connect-
18 ed, a person shall not do any of the following:

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

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

- 1 (c) Dredge or place spoil or other material on bottomland.
- 2 (d) Construct a marina.