

SENATE BILL No. 1488

September 14, 2010, Introduced by Senator BIRKHOLZ and referred to the Committee on Natural Resources and Environmental Affairs.

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 32607 (MCL 324.32607), as amended by 2004 PA 546.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 32607. (1) The department shall not authorize the same
2 bottomland log removal area in more than 1 submerged log removal
3 permit at any 1 time.

4 (2) The department may modify the boundaries of a proposed
5 bottomland log removal area in a submerged log removal permit to
6 avoid overlaps with other active submerged log removal permits or
7 adverse impacts, including, but not limited to, impacts to the
8 environment, natural resources, riparian rights, and the public

1 trust.

2 (3) A submerged log removal plan approved by the department
3 shall be included in each submerged log removal permit.

4 (4) A submerged log removal permit shall contain terms and
5 conditions that are determined by the department to protect the
6 environment, natural resources, riparian rights, and the public
7 trust.

8 (5) Each submerged log removal permit shall expire ~~on January~~
9 ~~1, 2013~~ **UPON THE EXPIRATION OF THE REQUIRED PERMIT ISSUED BY THE**
10 **UNITED STATES ARMY CORPS OF ENGINEERS**. An applicant shall notify
11 the department of the date on which the ~~federal government~~ **UNITED**
12 **STATES ARMY CORPS OF ENGINEERS** issued its approval for the
13 submerged log removal permit. Processing fees received under this
14 subsection shall be forwarded to the state treasurer for deposit
15 into the fund.

16 (6) A submerged log removal permit issued under this section
17 is not transferrable unless approved in writing by the department.

18 (7) An applicant for a submerged log removal permit shall
19 provide a performance bond acceptable to the department in the
20 amount of \$100,000.00. The performance bond shall be provided to
21 the department at least 10 days prior to beginning submerged log
22 removal in a bottomland log removal area. The performance bond
23 shall ensure compliance with the submerged log removal permit for
24 the period of the permit or until the authorized submerged log
25 removal is completed to the satisfaction of the department and all
26 payments under section 32609 have been made. The department shall
27 issue a written statement releasing the permittee and bonding

1 company upon termination of the submerged log removal permit and
2 upon satisfaction of the department as to the compliance of the
3 permittee with the terms and conditions of the permit. The
4 department may draw upon the performance bond for delinquent
5 payments as required in section 32609.

6 (8) A permittee may request, in writing, and the department
7 may grant, termination of a submerged log removal permit prior to
8 the expiration date, including release from quarterly reports and
9 performance bond requirements.