

1 and protected for the benefit of the people of this state. The air,
2 water, soil, and other natural resources of this state shall be
3 protected from pollution, impairment, and destruction for the
4 benefit of current and future generations.

5 (2) The obligation to manage natural resources in the public
6 interest is the express duty of the legislature under section 52 of
7 article IV of the state constitution of 1963 and shall not be ceded
8 to any other entity. This subsection does not prohibit the
9 legislative delegation of authority to manage natural resources to
10 a public entity consistent with the requirements of the state
11 constitution of 1963.

12 (3) The waters of this state, including groundwater, are held
13 in the public trust by this state. The public trust in the waters
14 of this state applies to the quantity and quality of the water.
15 Within 180 days after the effective date of the amendatory act that
16 added this section, the department of natural resources and the
17 department of environment, Great Lakes, and energy shall review
18 rules administered by the respective departments under this act to
19 ascertain whether the rules sufficiently ensure the protection of
20 the public trust in the waters of this state. If the department of
21 natural resources or the department of environment, Great Lakes,
22 and energy determines that new or revised rules are necessary to
23 sufficiently ensure the protection of the public trust in the
24 waters of this state, that department shall promulgate new or
25 revised rules within 1 year after the effective date of the
26 amendatory act that added this section.

27 Sec. 1701. (1) The attorney general or any **other** person may
28 maintain an action in the circuit court having jurisdiction where
29 the alleged violation occurred or is likely to occur for

1 declaratory and equitable relief **and any other appropriate remedy**
2 against any person for the protection of the air, water, and other
3 natural resources and the public trust in these resources from
4 pollution, impairment, or destruction.

5 (2) In granting relief provided by subsection (1), if there is
6 a standard for pollution or for an antipollution device or
7 procedure, fixed by rule or otherwise, by ~~the~~**this** state or an
8 instrumentality, agency, or political subdivision of ~~the~~**this**
9 state, the court may:

10 (a) Determine the validity, applicability, and reasonableness
11 of the standard.

12 (b) If a court finds a standard to be deficient, direct the
13 adoption of a standard approved and specified by the court.

14 Sec. 3103. (1) The department shall protect and conserve the
15 ~~water resources~~**waters** of the state and shall have control of the
16 pollution **and impairment, attributable to changes in water quality**
17 **or quantity**, of surface or underground waters of the state and the
18 Great Lakes, which are or may be affected by waste disposal ~~of~~**or**
19 **other direct or indirect discharge or release by** any person.

20 (2) The department may make or cause to be made surveys,
21 studies, and investigations of the uses of waters of the state,
22 both surface and underground, and cooperate with other governments
23 and governmental units and agencies in making the surveys, studies,
24 and investigations.

25 (3) The department shall assist in an advisory capacity a
26 flood control district that may be authorized by ~~the legislature.~~
27 **state law**. The department, in the public interest, shall appear and
28 present evidence, reports, and other testimony during the hearings
29 involving the creation and organization of flood control districts.

1 The department shall advise and consult with the legislature on the
2 obligation of ~~the~~**this** state to participate in the costs of
3 construction and maintenance as provided for in the official plans
4 of a flood control district or intercounty drainage district.

5 ~~(4) (2)~~—The department shall enforce this part and may
6 promulgate rules ~~as~~**that** it considers necessary to carry out its
7 duties under this part. ~~However, notwithstanding any rule-~~
8 ~~promulgation authority that is provided in this part, except for~~
9 ~~rules authorized under section 3112(6), the department shall not~~
10 ~~promulgate any additional rules under this part after December 31,~~
11 ~~2006.~~

12 ~~(5) (3)~~—The department may promulgate rules and take other
13 actions as may be necessary to comply with the federal water
14 pollution control act, 33 USC 1251 to ~~1387,~~**1389**, and to expend
15 funds available under ~~such law~~**that act** for extension or
16 improvement of the state or interstate program for prevention and
17 control of water pollution. This part ~~shall~~**does** not ~~be construed~~
18 ~~as authorizing~~**authorize** the department to expend or to incur ~~any~~
19 ~~an~~ obligation to expend ~~any~~ state funds ~~for such purpose~~ in excess
20 of any amount that is appropriated by the legislature.

21 ~~(4) Notwithstanding the limitations on rule promulgation under~~
22 ~~subsection (2), rules promulgated under this part before January 1,~~
23 ~~2007 shall remain in effect unless rescinded.~~