

# HOUSE BILL No. 4401

March 12, 2013, Introduced by Rep. Pettalia and referred to the Committee on Natural Resources.

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 30103 (MCL 324.30103), as amended by 2009 PA 139.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

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

3           (a) Any fill or structure existing before April 1, 1966, in  
4 waters covered by former 1965 PA 291, and any fill or structures  
5 existing before January 9, 1973, in waters covered for the first  
6 time by former 1972 PA 346.

7           (b) A seasonal structure placed on bottomland to facilitate  
8 private noncommercial recreational use of the water if it does not  
9 unreasonably interfere with the use of the water by others entitled

1 to use the water or interfere with water flow.

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

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

6 (e) A waste collection or treatment facility that is ordered  
7 to be constructed or is approved for construction by the  
8 department.

9 (f) Construction and maintenance of minor drainage structures  
10 and facilities which are identified by rule promulgated by the  
11 department pursuant to section 30110. Before such a rule is  
12 promulgated, the rule shall be approved by the majority of a  
13 committee consisting of the director of the department, the  
14 director of the department of agriculture **AND RURAL DEVELOPMENT**,  
15 and the director of the state transportation department or their  
16 designated representatives. The rules shall be reviewed at least  
17 annually.

18 (g) Maintenance and improvement of all drains legally  
19 established or constructed prior to January 1, 1973, pursuant to  
20 the drain code of 1956, 1956 PA 40, MCL 280.1 to 280.630, except  
21 those legally established drains constituting mainstream portions  
22 of certain natural watercourses identified in rules promulgated by  
23 the department under section 30110.

24 (h) Projects constructed under the watershed protection and  
25 flood prevention act, ~~chapter 656, 68 Stat. 666,~~ 16 USC 1001 to  
26 ~~1008 and 1010.~~ **1012.**

27 (i) Construction and maintenance of privately owned cooling or

1 storage ponds used in connection with a public utility except at  
2 the interface with public waters.

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

7 (k) A water withdrawal.

8 (l) Annual installation of a seasonal dock or docks, pilings,  
9 mooring buoys, or other mooring structures previously authorized by  
10 and in accordance with a permit issued under this part.

11 **(M) EXCAVATION OR MINING ACTIVITIES ASSOCIATED WITH AN ACTIVE**  
12 **MINING OPERATION UNLESS THE EXCAVATION OR MINING ACTIVITIES CREATE**  
13 **AN INLAND LAKE WITH A SURFACE AREA OF 5 ACRES OR GREATER. IF THE**  
14 **CREATION OF AN INLAND LAKE IS PREVENTED, OR IF A BODY OF WATER IS**  
15 **CREATED BUT THE SURFACE AREA OF THE BODY OF WATER IS MAINTAINED AT**  
16 **LESS THAN 5 ACRES, THROUGH PUMPING OR OTHER NATURAL OR ARTIFICIAL**  
17 **MEANS, THEN A PERMIT IS NOT REQUIRED UNLESS PUMPING OR OTHER**  
18 **NATURAL OR ARTIFICIAL MEANS FAILS TO MAINTAIN THE SURFACE AREA OF**  
19 **THE BODY OF WATER AT LESS THAN 5 ACRES.**

20 (2) As used in this section, "water withdrawal" means the  
21 removal of water from its source for any purpose.