

NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT

Act 451 of 1994

AN ACT to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, and assessments; to provide certain appropriations; to prescribe penalties and provide remedies; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts.

History: 1994, Act 451, Eff. Mar. 30, 1994;—Am. 1996, Act 454, Eff. Dec. 2, 1996.

The People of the State of Michigan enact:

ARTICLE I GENERAL PROVISIONS

PART I SHORT TITLE AND SAVINGS CLAUSES

324.101 Short title.

Sec. 101. This act shall be known and may be cited as the "natural resources and environmental protection act".

History: 1994, Act 451, Eff. Mar. 30, 1995.

324.102 Repeal of statute; effect.

Sec. 102. The repeal of any statute by this act does not relinquish any penalty, forfeiture, or liability, whether criminal or civil in nature, and such statute shall be treated as still remaining in force as necessary for the purpose of instituting or sustaining any proper action or prosecution for the enforcement of the penalty, forfeiture, or liability.

History: 1994, Act 451, Eff. Mar. 30, 1995.

324.103 Heading or title; effect.

Sec. 103. A heading or title of an article, chapter, part, or subpart of this act shall not be considered as a part of this act or be used to construe the act more broadly or narrowly than the text of the sections of the act would indicate, but shall be considered as inserted for the convenience of the users of this act.

History: 1994, Act 451, Eff. Mar. 30, 1995.

324.104 Members of predecessor agency; powers.

Sec. 104. When a board, commission, committee, council, or other agency created by or pursuant to this act was preceded by an agency with the same or similar name and functions, members of the predecessor agency shall continue in office for the duration of the terms of office for which they were appointed and with the new members appointed shall constitute the new agency. Members shall be appointed under this act only as terms of the former members expire or vacancies occur. Members of the predecessor agency may be appointed to the new agency to succeed themselves subject to the limits for the total period of service set forth in this act.

History: 1994, Act 451, Eff. Mar. 30, 1995.

324.105 Existing rules; effect.

Sec. 105. When the department or other agency is directed to promulgate rules by this act and rules exist on the date the requirement to promulgate rules takes effect, which rules the department or agency believes adequately cover the matter, the department or agency may determine that new rules are not required or may delay the promulgation of new rules until the department or agency considers it advisable.

History: 1994, Act 451, Eff. Mar. 30, 1995.

324.106 Orders; effect.

Sec. 106. Except as otherwise provided by law, this act does not repeal or alter the content or effect of orders that were issued pursuant to an act that is repealed by this act and codified as a part of this act.

PART 301
INLAND LAKES AND STREAMS

324.30101 Definitions.

Sec. 30101. As used in this part:

- (a) "Bottomland" means the land area of an inland lake or stream that lies below the ordinary high-water mark and that may or may not be covered by water.
- (b) "Bulkhead line" means a line that is established pursuant to this part beyond which dredging, filling, or construction of any kind is not allowed without a permit.
- (c) "Fund" means the land and water management permit fee fund created in section 30113.
- (d) "Impoundment" means water held back by a dam, dike, floodgate, or other barrier.
- (e) "Inland lake or stream" means a natural or artificial lake, pond, or impoundment; a river, stream, or creek which may or may not be serving as a drain as defined by the drain code of 1956, Act No. 40 of the Public Acts of 1956, being sections 280.1 to 280.630 of the Michigan Compiled Laws; or any other body of water that has definite banks, a bed, and visible evidence of a continued flow or continued occurrence of water, including the St. Marys, St. Clair, and Detroit rivers. Inland lake or stream does not include the Great Lakes, Lake St. Clair, or a lake or pond that has a surface area of less than 5 acres.
- (f) "Marina" means a facility that is owned or operated by a person, extends into or over an inland lake or stream, and offers service to the public or members of the marina for docking, loading, or other servicing of recreational watercraft.
- (g) "Minor offense" means either of the following violations of this part if the project involved in the offense is a minor project as listed in R 281.816 of the Michigan administrative code or the department determines that restoration of the affected property is not required:
 - (i) The failure to obtain a permit under this part.
 - (ii) A violation of a permit issued under this part.
- (h) "Ordinary high-water mark" means the line between upland and bottomland that persists through successive changes in water levels, below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the surface of the soil, and the vegetation. On an inland lake that has a level established by law, it means the high established level. Where water returns to its natural level as the result of the permanent removal or abandonment of a dam, it means the natural ordinary high-water mark.
 - (i) "Project" means an activity that requires a permit pursuant to section 30102.
 - (j) "Property owners' association" means any group of organized property owners publishing a directory of their membership, the majority of which are riparian owners and are located on the inland lake or stream that is affected by the proposed project.
 - (k) "Riparian owner" means a person who has riparian rights.
 - (l) "Riparian rights" means those rights which are associated with the ownership of the bank or shore of an inland lake or stream.

the director of the state transportation department or their designated representatives. The initial rules shall be issued before July 8, 1973, and shall be reviewed at least annually after that date.

(g) Maintenance and improvement of all drains legally established or constructed prior to January 1, 1973, pursuant to the drain code of 1956, Act No. 40 of the Public Acts of 1956, being sections 230.1 to 280.630 of the Michigan Compiled Laws, except those legally established drains constituting mainstream portions of certain natural watercourses identified in rules promulgated by the department under section 30110.

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

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

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

History: Add. 1995, Act 59, Imd. Eff. May 24, 1995.

324.30104 Application for permit; form; contents; fees.

Sec. 30104. (1) Before a project that is subject to this part is undertaken, a person shall file an application and receive a permit from the department. The application shall be on a form prescribed by the department and shall include any information that may be required by the department. If a project includes activities at multiple locations, 1 application may be filed for the combined activities.

(2) Except as provided in subsections (3) and (4), an application for a permit shall be accompanied by a fee based on an administrative cost in accordance with the following schedule:

(a) Until October 1, 1999:

(i) For a minor project listed in R 281.816 of the Michigan administrative code, a fee of \$50.00.

(ii) For construction or expansion of a marina, a fee of:

(A) \$50.00 for an expansion of 1-10 slips to an existing permitted marina.

(B) \$100.00 for a new marina with 1-10 proposed marina slips.

(C) \$250.00 for an expansion of 11-50 slips to an existing permitted marina, plus \$10.00 for each slip over 50.

(D) \$500.00 for a new marina with 11-50 proposed marina slips, plus \$10.00 for each slip over 50.

(E) \$1,500.00 if an existing permitted marina proposes maintenance dredging of 10,000 cubic yards or more or the addition of seawalls, bulkheads, or revetments of 500 feet or more.

(iii) For renewal of a marina operating permit, a fee of \$50.00.

(iv) For major projects other than a project described in subparagraph (ii)(E), involving any of the following, a fee of \$2,000.00:

(A) Dredging of 10,000 cubic yards or more.

(B) Filling of 10,000 cubic yards or more.

legal description of the lands included in the applicant's project, and a summary statement of the purpose of the project. The department may hold a public hearing on pending applications.

(2) Except as otherwise provided in this section, upon receiving an application, the department shall submit copies for review to the director of public health or the local health department designated by the director of public health, to the city, village, or township and the county where the project is to be located, to the local soil conservation district, to the local watershed council organized under part 311, if any, to the local port commission, if any, and to the persons required to be included in the application pursuant to section 30104(1). Each copy of the application shall be accompanied by a statement that unless a written request is filed with the department within 20 days after the submission for review, the department may grant the application without a public hearing where the project is located. The department may hold a public hearing upon the written request of the applicant or a riparian owner or a person or governmental unit that is entitled to receive a copy of the application pursuant to this subsection.

(3) After completion of a project for which an application is approved, the department may cause a final inspection to be made and certify to the applicant that the applicant has complied with the department's permit requirements.

(4) At least 10 days' notice of a hearing to be held under this section shall be given by publication in a newspaper circulated in the county where the project is to be located and by mailing copies of the notice to the persons who have requested the monthly list pursuant to subsection (1), to the person requesting the hearing, and to the persons and governmental units that are entitled to receive a copy of the application pursuant to subsection (2).

(5) The department shall grant or deny the permit within 60 days, or within 90 days if a public hearing is held, after the filing of an application pursuant to section 30104. If a permit is denied, the department shall provide to the applicant a concise written statement of its reasons for denial of the permit, and, if it appears that a minor modification of the application would result in the granting of the permit, the nature of the modification shall be stated. In an emergency, the department may issue a conditional permit before the expiration of the 20-day period referred to in subsection (2).

(6) The department, by rule promulgated under section 30110(1), may establish minor project categories of activities and projects that are similar in nature and have minimal adverse environmental impact. The department may act upon an application received pursuant to section 30104 for an activity or project within a minor project category after an on-site inspection of the land and water involved without providing notices or holding a public hearing pursuant to subsection (2). A final inspection or certification of a project completed under a permit granted pursuant to this subsection is not required, but all other provisions of this part are applicable to a minor project.

History: Add. 1995, Act 59, Imd. Eff. May 24, 1995;—Am. 1995, Act 171, Imd. Eff. Oct. 9, 1995.

324.30106 Prerequisite to issuance of permit; specification in permit.

Sec. 30106. The department shall issue a permit if it finds that the structure or project will not adversely affect the public trust or riparian rights. In passing upon an application, the department shall consider the possible effects of the proposed action upon the inland lake or stream and upon waters from which or into which its waters flow and the uses of all such waters, including uses for recreation, fish and wildlife, aesthetics, local government, agriculture, commerce, and industry. The department shall not grant a permit if the proposed project or structure will unlawfully impair or destroy any of the waters or other natural resources of the state. This part does not modify the rights and responsibilities of any riparian owner to the use of his or her riparian water. A permit shall specify that a project completed in accordance with this part shall not cause unlawful pollution as defined by part 31.

History: Add. 1995, Act 59, Imd. Eff. May 24, 1995.

324.30107 Duration, terms, and revocation of permit; hearing.

Sec. 30107. A permit is effective until revoked for cause but not beyond its term and may be subject to renewal. A permit may specify the term and conditions under which the work is to be carried out. A permit may be revoked

(2) In a civil action commenced under this part, the circuit court, in addition to any other relief granted, may assess a civil fine of not more than \$5,000.00 per day for each day of violation.

(3) Except as provided in subsection (4), a person who violates this part or a permit issued under this part is guilty of a misdemeanor, punishable by a fine of not more than \$10,000.00 per day for each day of violation.

(4) A person who commits a minor offense is guilty of a misdemeanor, punishable by a fine of not more than \$500.00 for each violation. A law enforcement officer may issue and serve an appearance ticket upon a person for a minor offense pursuant to sections 9a to 9g of chapter IV of the code of criminal procedure, Act No. 175 of the Public Acts of 1927, being sections 764.9a to 764.9g of the Michigan Compiled Laws.

(5) A person who knowingly makes a false statement, representation, or certification in an application for a permit or in a notice or report required by a permit, or a person who knowingly renders inaccurate any monitoring device or method required to be maintained by a permit, is guilty of a misdemeanor, punishable by a fine of not more than \$10,000.00 per day for each day of violation.

(6) Any civil penalty assessed, sought, or agreed to by the department shall be appropriate to the violation.

History: Add. 1993, Act 59, Imd. Eff. May 24, 1995.

324.30113 Land and water management permit fee fund.

Sec. 30113. (1) The land and water management permit fee fund is created within the state treasury.

(2) The state treasurer may receive money or other assets from any source for deposit into the fund. The state treasurer shall direct the investment of the fund. The state treasurer shall credit to the fund interest and earnings from fund investments. The state treasurer shall annually present to the department an accounting of the amount of money in the fund.

(3) Money in the fund at the close of the fiscal year shall remain in the fund and shall not lapse to the general fund.

(4) The department shall expend money from the fund, upon appropriation, only to implement this part and the following:

(a) Sections 3104, 3107, and 3108.

(b) Part 325.

(c) Part 303.

(d) Section 12562 of the public health code, Act No. 368 of the Public Acts of 1978, being section 333.12562 of the Michigan Compiled Laws.

(e) Part 323.

(f) Section 117 of the subdivision control act of 1967, Act No. 288 of the Public Acts of 1967, being section 560.117 of the Michigan Compiled Laws.

(g) Part 315.

(h) Part 353.

ACT 346 OF PUBLIC ACTS OF 1972
REPLACED BY
THE NATURAL RESOURCES AND
ENVIRONMENTAL PROTECTION ACT
1994 PUBLIC ACT 451

DEPARTMENT OF NATURAL RESOURCES
LAND AND WATER MANAGEMENT DIVISION
INLAND LAKES AND STREAMS

(By authority conferred on the department of natural resources by sections 4, 6, and 11 of Act No. 346 of the Public Acts of 1972, as amended, being sections 281.954, 281.956, and 281.961 of the Michigan Compiled Laws)

R 281.811 Definitions.

Rule 1. (1) As used in these rules:

- (a) "Act" means Act No. 346 of the Public Acts of 1972, as amended, being section 281.951 et seq. of the Michigan Compiled Laws.
- (b) "Applicant" means a person applying for a permit pursuant to the provisions of the act.
- (c) "Bottomland dredging" means dredging of channels and canals and the removal of any rock, stone, or soil from bottomlands.
- (d) "Bottomland filling" means the placement of rock, stone, soil, or other material on bottomlands.
- (e) "Enlarge or diminish an inland lake or stream" means the dredging or filling of bottomlands, or the dredging of adjacent shorelands, to increase or decrease a body of water's surface area or storage capacity or the placement of fill or structures, or the manipulation, operation, or removal of fill or structures, to increase or decrease water levels in a lake, stream, or impoundment.
- (f) "Placement of structures on bottomlands" does not mean the installation of clear span overhead utility wires if they do not restrict navigation for watercraft which typically ply the waterway and if they provide equal or greater clearance than other permanent overhead restrictions in the immediate area.
- (g) "Public trust" means all of the following:
 - (i) The paramount right of the public to navigate and fish in all inland lakes and streams which are navigable.
 - (ii) The perpetual duty of the state to preserve and protect the public's right to so navigate and fish.
 - (iii) The paramount concern of the public and the protection of the air, water, and other natural resources of this state against pollution, impairment, and destruction.
 - (iv) The duty of the state to protect the air, water, and other natural resources of this state against pollution, impairment, or destruction.
- (h) "Reasonable sanding of beaches to the existing water's edge" means placing a layer of sand which is free of organic or other pollutant materials and which does not shift the location of the existing ordinary high watermark or shoreline contour.
 - (i) "Riparian rights," as defined in the act, means all those rights accruing to the owners of riparian property, including the following rights, subject to the public trust:
 - (i) Access to the navigable waters.
 - (ii) Dockage to boatable waters, known as wharfage.
 - (iii) Use of water for general purposes, such as bathing and domestic use.
 - (iv) Title to natural accretions.
- (2) Terms defined in the act have the same meanings when used in these rules.

History: 1985 AACS, Eff. Nov. 21, 1985.

R 281.814 Environmental assessment.

Rule 4. In each application for a permit, all existing and potential adverse environmental effects shall be determined and a permit shall not be issued unless the department determines all of the following:

- (a) That the adverse effects to the environment and the public trust are minimal and will be mitigated to the extent possible.
- (b) That the resource affected is not a rare resource.
- (c) That the public interest in the proposed development is greater than the public interest in the unavoidable degradation of the resource.
- (d) That no feasible and prudent alternative is available.

History: 1985 AACS, Eff. Nov. 21, 1985.

R 281.815 Structure maintenance.

Rule 5. The following structures may be maintained in accordance with section 4(j) of the act:

- (a) Wood seawalls, when the repair is only of the seawall facing or sheeting, support piling, or cap and the maintenance does not encompass more than 25% of the permitted seawall length.
- (b) Riprap shore protection structures, where original materials have been displaced by erosion or ice damage and the placement of earthen fill will not be required as part of the maintenance.
- (c) Noncommercial docks, boat hoists, and pilings.
- (d) Boat ramps.
- (e) Bridges and culverts, where the maintenance is of an existing in-place structure and does not involve removal of the structure or alteration of the watercourse, streambed, or adjacent banks.
- (f) Dams and lake level control structures, where the maintenance will be conducted without drawing down the lake or impoundment and is limited to minor surface repairs: the repair or replacement of stop logs, racks, and gates; or surface stabilization of earthen embankment-type structures where the work is above the existing water surface.
- (g) Docks and pilings of a marina having a current operating permit from the department.
- (h) Lake level control structures where the temporary variance (winter-summer) is established by court order or previously permitted by the department as an impoundment operational variation from the crest elevation if adverse environmental impacts have not occurred.

History: 1985 AACS, Eff. Nov. 21, 1985.

R 281.816 Minor project categories.

Rule 6. (1) Upon receipt of an application for a permit for any of the following minor projects, the department may act upon the application as provided in subsection (6) of section 6 of the act:

- (a) Noncommercial piers, docks, and boat hoists which meet all of the following design criteria:
 - (i) The length or size of the proposed structure is not greater than the length or size of similar structures in the vicinity and on the watercourse and will not unreasonably interfere with the navigability or boatability of the water involved.
 - (ii) Free littoral flow of water and drift material is provided for.
 - (iii) Clean, nonpolluting materials will be used for the construction.
 - (iv) The structure is a single pier or dock appurtenant to the applicant's upland or is an added boat hoist, minor pier, or extension to the existing boat hoist, pier, or dock.
- (b) Spring piles and pile clusters which meet the following design and purpose criteria:
 - (i) The location, number, and purpose for placement is usual for such projects in the vicinity and watercourse involved.
 - (ii) All piles and other materials used in their placement are clean, nonpolluting materials.
 - (iii) The location and placement will not create an obstruction to navigation.
- (c) Seawalls, bulkheads, and other permanent revetment structures which meet all of the following purpose and design criteria:

- (v) The structures will be designed and placed to assure that any increase in stream erosion or downcutting is prevented.
- (g) Watercourse crossings by utilities, pipelines, cables, and sewer lines which meet all of the following design criteria:
 - (i) A minimum of 30 inches of cover will be maintained between the top of the cable or pipe and the bed of the stream or other watercourse on buried crossings.
 - (ii) The method of construction proposed is the least disturbing to the environment employable at the given site.
 - (iii) Any necessary backfilling will be of washed gravel.
 - (iv) The diameter of pipe, cable, or encasement does not exceed 20 inches.
- (h) Dredging and construction or enlargement of ponds, lagoons, ditches, stormwater management basins, and similar artificial water-ways when the proposed activity meets both of the following criteria:
 - (i) The artificial watercourse will have a surface area of less than 5 acres, with no direct connection to an existing inland lake or stream.
 - (ii) The resulting spoils will be placed on an appropriate upland site in a manner which will not impair flood flows or be eroded into public waters.
- (i) Structural repair of man-made structures which meets all of the following design and purpose criteria:
 - (i) The repair will not alter the original use of a currently serviceable structure.
 - (ii) The repair will not adversely affect public trust values or interests, including navigation, fish migration, and water quality.
 - (iii) Any materials used for repair will be of nonpolluting materials.
- (j) Fish or wildlife habitat structures which meet all of the following criteria:
 - (i) The structures are placed so as not to impede navigation or create a navigational hazard.
 - (ii) The structures are anchored to the bottomlands.
 - (iii) The structures are constructed of nonpolluting materials.
 - (iv) The structure placement has the written authorization of the riparian owner and the appropriate department district fisheries or wildlife biologist, or both.
- (k) Scientific structures, such as staff gauges, water monitoring devices, water quality testing devices, survey devices, and core sampling devices, which meet all of the following design and purpose criteria:
 - (i) The structures do not impede navigation or create a navigational hazard.
 - (ii) The devices are constructed of nonpolluting materials.
 - (iii) The placement of any scientific structure has the written authorization of the riparian owner.
- (l) Navigational aids which meet either of the following criteria:
 - (i) The aids are approved by the United States coast guard.
 - (ii) The aids are approved under Act No. 303 of the Public Acts of 1967, as amended, being section 281.1001 et seq. of the Michigan Compiled Laws.
- (m) Extension of a project under a current permit which will not result in any damage to natural resources.
- (n) Physical removal of man-made structures or natural obstructions which meet all of the following criteria:
 - (i) The debris and spoils shall be removed to an upland site in a manner which will not impair flood flows or be eroded into public waters
 - (ii) The stream bank or shoreline and bottom contours shall be restored to an acceptable condition.
 - (iii) Upon completion of structure removal, the site does not constitute a safety or navigational hazard.
 - (iv) Department staff shall consider fisheries and wildlife resource values when evaluating applications for natural obstruction removal.
- (o) Lake or impoundment drawdowns or the associated reflooding, or both, which meet the following design and purpose criteria:
 - (i) The purpose of the drawdown is described by 1 of the following criteria:
 - (A) The drawdown is temporary in nature for the purpose of inspection to determine the integrity of the impounding structure.

Point of beginning: At the intersection with Orchard Lake road on the north line of section 32, T3N, R10E, city of Pontiac.

Point of ending: At the intersection with Auburn road on the east line of section 27, T3N, R10E, city of Pontiac.

(e) Black river drain (Sanilac county).

Point of beginning: At the south line of section 6, T10N, R16E, Lexington township, Sanilac county.

Point of ending: At the north line of section 1, T12N, R14E, Custer township, Sanilac county.

(f) Maple river drain (Gratiot and Shiawassee counties).

Point of beginning: At Highway US-27, section 28, T9N, R2W, Washington township, Gratiot county.

Point of ending: At its upper terminus in section 3, T6N, R3E, Shiawassee township, Shiawassee county.

(g) Little Thornapple river drain (Barry and Ionia counties).

Point of beginning: At the south line (M-43) of section 13, T4N, R8W, Carlton township, Barry county.

Point of ending: At the outlet from Tupper lake where the outlet enters Jordan lake in section 34, T5N, R7W, Odessa township, Ionia county.

(h) Kawkawlin river drain (Bay county).

Point of beginning: Mouth of river on Saginaw bay, in section 33, T15N, R5E, Bangor township, Bay county.

Point of ending: At the intersection with Euclid avenue on the west side of section 5, R14N, R5E, Bangor township, Bay county.

(i) St. Joseph river drain (Hillsdale county).

Point of beginning: At the intersection of the line between sections 8 and 9, T8S, R4W, Camden township, Hillsdale county.

Point of ending: At a point 715 feet southeast of the line between sections 25 and 26, T8S, R4W, Camden township, Hillsdale county.

(j) East branch of St. Joseph river drain (Hillsdale county).

Point of beginning: At the intersection of the line between sections 33 and 34, T7S, R1W, Pittsford township, Hillsdale county.

Point of ending: At the intersection with the state line.

(k) Pigeon river drain (Huron county).

Point of beginning: At the mouth of the Pigeon river on Saginaw bay in the village of Caseville, including the mouth of the Pigeon river cut-off drain.

Point of ending: At a point 3/4 of a mile south of Kinde road in section 1, T17N, R10E, Caseville township, Huron county.

History: 1932 AACS, Eff. Mar. 31, 1982.

R 281.819 Marina operating permit application; criteria for processing.

Rule 9. In acting upon an application for marina operating permit, the department shall not issue a permit unless the department determines that the facility meets all of the following criteria:

(a) The facility does not unreasonably affect the public trust or riparian interests.

(b) Ingress and egress are within the riparian owner's interest area or written authorization is secured from the adjacent owner whose riparian or property interest is or may be affected.

(c) The recreational watercraft-carrying capacity of the waterbody upon which the facility is located is not exceeded by the increased use brought about by the marina, and the increased use attributable to the marina will not create congestion or safety problems or aggravate existing recognized congestion or safety problems.

(d) The construction and operation of the facility will not destroy or adversely impair the use of the waters or natural resources of the state.

(e) The facility is not aesthetically displeasing and conforms to similar structures and activities in the area on similar watercourses.

(f) The facility has adequate parking space to accommodate anticipated users.

R 281.824 Specifications; bridge and culvert projects.

Rule 14. (1) The department of transportation standard specifications (1970 or later editions) listed in this rule are necessary for the protection of natural resources. These specifications are intended to cover all construction and related work as it affects natural resources found in and adjacent to work areas.

- (2) General coverage in proposal or specifications as follows:
- (a) Protection & restoration of property Sec. 1.07.07 Std. Specs.
- (b) Forest protection Sec. 1.07.13 Specs.
- (c) Control of water pollution and siltation Sec. 1.07.14 Specs.
- (d) Borrow areas Sec. 2.08.01 Std. Specs.
- (e) Borrow area restoration Supp. Specs.
- (f) Channel excavation Sec. 2.09.05 Std. Specs.
- (3) The following are additional department of transportation standard specifications covering measures

for prevention of erosion and siltation:

- (a) Topsoil surface Sec. 6.53 Std. Specs.
- (b) Mulching Sec. 6.54 Std. Specs.
- (c) Seeding Sec. 6.52 Std. Specs.
- (d) Fertilizing Sec. 6.52 Std. Specs.
- (e) Riprap (plain-heavy) Sec. 6.01 Std. Specs.
- (f) Cobble gutter (plain-grouted) Sec. 6.03 Std. Specs.
- (g) Slope planting Sec. 6.55 Std. Specs.
- (h) Dune grass planting Sec. 6.56 Std. Specs.
- (i) Sodding Sec. 6.51 Std. Specs.
- (j) Slope protection Sec. 6.01 Std. Specs.
- (k) Crushed limestone surface Supp. Specs.
- (l) Paved ditches Supp. Specs.
- (m) Rye seeding Sec. 6.52 & Supp. Specs.
- (4) The state highway design office has information for the design engineer on control of erosion

through sodding; water control by catch basins, downspouts, concrete shoulders, and spillways; borrow restoration, particularly adjacent to highway limits; and seeding, mulching, and plantings. The following standard plans are available:

- (a) Special outlet headwalls, etc. E-4-A-9F.
- (b) Sodding, etc. E-4-A-10D.
- (c) Paved ditches, etc. E-4-A-110C.
- (d) Shoulder gutter and spillway E-4-A-128.

History: 1982 AACS, Eff. Mar. 31, 1982.

**PIPELINE AND OTHER
UTILITY WATER CROSSING**

R 281.831 Rescinded.

History: Rescinded 1979 ACS 10, Eff. Mar. 31, 1982.

R 281.832 General requirements; all size pipelines and conduits.

Rule 22. (1) The owner or his agent shall submit general construction plans, including a route map and stream crossing specifications. These general plans and related documents shall be submitted not later than 3 months prior to the solicitation of bids and preferably the route plans should be reviewed with the department prior to acquisition of rights-of-way. Five copies of construction plans and specifications shall be submitted with the application.

(2) An ordinance adopted by a local unit of government to exercise control landward of an established bulkhead line shall be consistent with the act and these rules. The local unit of government shall submit a proposed ordinance to the department for review and approval prior to formal adoption by the local unit of government. A copy of an application received by a local unit of government pursuant to its ordinance shall be forwarded to the land resource programs division of the department prior to the issuing of a permit. Variance from the ordinance shall not be granted unless approved by the department.

(3) When establishing a bulkhead line on its own application, the department may retain jurisdiction over the area landward of the bulkhead line to the ordinary high-water mark.

History: 1982 AACS, Eff. Mar. 31, 1982.

R 281.842 Notification of pending applications.

Rule 32. The list prepared and mailed by the department pursuant to subsection (1) of section 6 of the act shall include permit applications received during each week. The list shall be mailed weekly to each subscriber. The list shall include all of the following information:

- (a) Process number.
- (b) Applicant's name and address.
- (c) Watercourse.
- (d) Location of proposal by town, range, and section.
- (e) Project description.

History: 1985 AACS, Eff. Nov. 21, 1985.

R 281.843 Hearings.

Rule 33. (1) The department may hold a public informational hearing when a proposed project appears to be controversial or when additional information is desired prior to action by the department.

(2) All other hearings shall be conducted pursuant to subsection (2) of section 11 of the act.

(3) All persons who receive notification under subsection (1) of section 6 of the act shall receive not less than 10 days' prior notification of any hearings held under the act.

(4) An aggrieved person requesting a formal hearing pursuant to section 11(2) of the act shall request the hearing within 60 days of the department's decision on an application.

History: 1985 AACS, Eff. Nov. 21, 1985.

R 281.844 Notification and inspection of completed project.

Rule 34. (1) The applicant shall notify the land resource programs division of the department within 10 days of completion of the project to facilitate scheduling a final inspection.

(2) The department shall schedule its field inspection of a completed project only when weather conditions will permit a thorough inspection of the project.

History: 1982 AACS, Eff. Mar. 31, 1982.

R 281.845 Special conditions.

Rule 35. Whenever vertically upward bottomland displacement, also called surcharge, results from filling or other activity immediately adjacent to the displacement area by the applicant, he shall be responsible for its timely removal at the direction of the department.

History: 1979 AC, Eff. May 11, 1974.

R 281.846 Rescission.

Rule 36. The rules of the department entitled "Inland Lakes and Streams" being R 281.801 to R 281.810 of the Michigan Administrative Code and appearing on pages 4120 to 4122 of the 1967 Annual Supplement to the Code, are rescinded.

History: 1979 AC, Eff. May 11, 1974.