



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
OFFICE OF THE GREAT LAKES
LANSING



JON W. ALLAN
DIRECTOR

June 13, 2016

Ms. Joelle Gore, Chief
Stewardship Division
NOAA Office for Coastal Management, N/OCM6
1305 East-West Highway
SSMC 4, Room 10622
Silver Spring, Maryland 20910

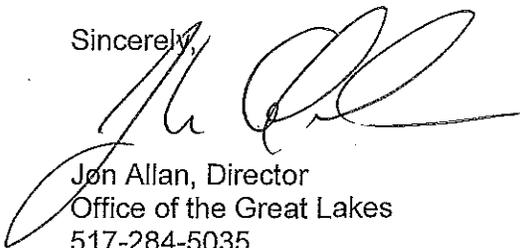
Dear Ms. Gore:

Enclosed for your review is a request for the concurrence of the Office for Coastal Management (OCM) in the Michigan Coastal Zone Management Program (MCZMP) Routine Program Changes (RPC) pertaining to enforceable policies for the protection of shorelands. The changes outlined in the RPC collectively make refinements to Michigan's previously approved authority to protect and manage shorelands, and the Michigan Department of Environmental Quality's (MDEQ) decision-making structure related to this authority. However, the changes to this authority do not substantially affect the resource or the regulated community, and the MDEQ continues to hold the primary duty and responsibility for implementing this authority within the organization of State government. Further, the changes do not substantially change any of the five Coastal Zone Management Act program areas. Therefore, the changes are routine in nature and do not constitute a program amendment.

As required, the RPC concurrence request has been put on public notice to all interested parties through an announcement published in the Michigan Department of Environmental Quality Calendar, issuance of a Coastal Note to the MCZMP e-mail distribution list, and direct e-mail notification of relevant Federal agencies on June 13, 2016. The announcements direct the public to the MCZMP Web page, www.michigan.gov/coastalmanagement, where the RPC is posted.

If you need further information or assistance, please contact Ms. Ronda Wuycheck, MCZMP Program Chief, at wuycheckr@michigan.gov, or at 517-284-5040, or you may contact me.

Sincerely,



Jon Allan, Director
Office of the Great Lakes
517-284-5035

Enclosure

cc: Mr. Kerry Kehoe, OCM
Ms. Rachael Franks Taylor, OCM
Ms. Ronda Wuycheck, Office of the Great Lakes

Michigan Coastal Zone Management Program

Routine Program Changes Concurrence Request: Enforceable Policies for the Protection and Management of Great Lakes Shorelands

June 13, 2016

Introduction

The Michigan Coastal Zone Management Program (MCZMP), in the Office of the Great Lakes, Michigan Department of Environmental Quality (MDEQ), was approved by the National Oceanic and Atmospheric Administration (NOAA) in 1978, pursuant to Section 306 of the Federal Coastal Zone Management Act of 1972 (P.L. 109-58). The MCZMP, as approved, includes enforceable policies involving the management and protection of the Great Lakes coastal zone in Michigan that are contained in several State statutes and administrative rules. To keep the MCZMP current, it is occasionally necessary to update the description of those enforceable policies to reflect legislative amendments, rule revisions, and similar actions, and to seek the NOAA's concurrence in the incorporation of such routine changes to the MCZMP as required under 15 CFR 923.84.

This document is a request by the State of Michigan for the concurrence of the Office for Coastal Management, NOAA, in the incorporation of the following Routine Program Changes (RPC) to the MCZMP. The RPCs include changes to Michigan's enforceable policies for the protection of shorelands. Specifically, the enforceable policies are identified in the "State of Michigan Coastal Management Program and Final Environmental Impact Statement" submitted to the NOAA for review on May 19, 1978, and subsequently approved, as Act No. 245 of the Public Acts of 1970, Shorelands Protection and Management Act ("Act 245"), and the administrative rules promulgated under the authority of Act 245. The enforceable policies in Act 245 and associated administrative rules were approved by the NOAA at the time the MCZMP was approved. More recently, on February 24, 1994, the NOAA concurred in the incorporation of changes to the Act 245 administrative rules that took effect on May 2, 1992, as RPCs.

The provisions of Act 245 were incorporated into Michigan's environmental code, the Natural Resources and Environmental Protection Act, Public Act 451 of 1994, as amended (NREPA), in 1995. Today, the enforceable policies are known as Part 323, (Shorelands Protection and Management), of NREPA, comprising sections 324.32301 to 324.32315 of the Michigan Compiled Laws, and the administrative rules promulgated under the authority of Part 323, comprising R 281.21 to R 281.26 of the Michigan Administrative Code.

To clarify terms used here, a statute or act, is created by the Michigan legislature and made into law through the legislative process. Administrative rules are created, or promulgated, by State executive agencies according to the rulemaking process. Executive agencies use administrative rules to implement the statutes for which they are responsible. Administrative rules are not the law by themselves, but when they are duly-promulgated according to law, they have the force and effect of law.

Enforceable Policies Background

Generally, the purpose of these enforceable policies is to identify, designate, and regulate certain shoreland areas defined in the statute as environmental areas, flood risk areas, and high risk areas that are in close proximity to the shoreline of a Great Lake or a connecting waterway. “Environmental areas” have been determined by the MDEQ on the basis of studies and surveys to provide habitat, food, spawning, and nursery areas necessary for the preservation and maintenance of fish and wildlife. “Flood risk” and “high risk” areas are those determined by the MDEQ on the basis of studies and surveys to be at risk of coastal flooding and erosion, respectively. As part of the designation process, the MDEQ must notify affected property owners and local governments that specific parcels have been designated as environmental areas, flood risk areas, or high risk areas.

These policies include standards for regulating the use and development of the designated areas to prevent damage to property and fish and wildlife resources. The standards include setback requirements, building elevation requirements, and prohibitions against certain activities. A number of coastal communities currently regulate development in high risk areas and flood risk areas through administration of department-approved ordinances, and with department oversight. In communities where an approved local ordinance is not in force, the MDEQ Part 323 administrative rules require permits from the MDEQ for development and certain activities in these areas. Permit applicants are required to pay application fees, with the fee revenue deposited in a restricted fund used for program administration. If the MDEQ petitions and shows in circuit court a violation of rule requirements, including a violation of a permit required under the rules, the court must order the defendant to correct the violation or restrain the defendant from further violation.

“Department” as used in Part 323 is defined elsewhere in NREPA as the Michigan Department of Natural Resources (MDNR). However it should be noted that a series of executive reorganization orders issued by Michigan governors under Article V, Section 2 of the Michigan Constitution, including Executive Orders 1995-18, 2009-45, and 2011-1, transferred the statutory authority, powers, duties, functions, and responsibilities in Part 323 held in the MDNR to the director of the MDEQ.

Analysis of Routine Program Changes

The RPC analysis is based on a comparison of the provisions of Act 245 that were in effect on May 19, 1978, to the provisions of Part 323 in effect today (Attachment 1), as well as a companion comparison of the Great Lakes shorelands rules in effect on May 2, 1992 to the current shorelands protection and management rules (Attachment 2). In the comparison, all language in Act 245 and its administrative rules that is not present in Part 323 and its administrative rules appears in strike-through text. All language in Part 323 and its administrative rules not present in Act 245 and its administrative rules appears in underlined text. Where strike-through and/or underlined text indicates a noteworthy change, the change is categorized as substantive or non-substantive. Examples of substantive changes are:

- A practical change in what is required for the State or regulated community to comply with the statute or rules;

- A change in the consequences of actions or inaction by the State or regulated community; or
- A change in the type or extent of opportunities for public involvement.

All substantive changes are numbered consecutively in the attachments. The following analysis refers to these changes by number.

Statutory Changes

Part 323 contains 12 substantive changes made to Michigan's shorelands protection and management law since May 19, 1978, as shown in Attachment 1.

Changes one and two are in section 324.32301. Change one removes the definition of "commission." The powers and duties of the Water Resources Commission relevant to this law were transferred to the director of the MDNR through Executive Order 1991-31. However, as noted previously, a series of executive reorganization orders subsequently transferred the statutory authority, powers, duties, functions, and responsibilities in Part 323 held in the MDNR to the director of the MDEQ. Change two is in subsection 324.32301(d) and changes the definition of "land to be zoned or regulated" by adding "land to be zoned" to the term defined and changing the citations for the sections of statutes referring to the "ordinary high watermark" that are incorporated by reference.

Change three is in section 324.32305 and removes the requirement that the department notify the Department of Licensing and Regulation of high-risk area determinations and recommendations. Executive Order 1991-9 transferred the powers, duties, and functions of the Michigan Department of Licensing and Regulation to the Michigan Department of Commerce, effective September 1, 1991. It should also be noted that the Michigan Department of Labor and the Michigan Department of Commerce have become the Michigan Department of Licensing and Regulatory Affairs through Executive Orders 1996-2, 2003-18, 2008-20 and 2011-4.

Change four is in section 324.32306 and is analogous to Change three in that the department is no longer required to notify the Michigan Department of Licensing and Regulation of flood risk area determinations and recommendations.

Change five is in section 324.32307 and requires the department to formulate environmental area regulations. Previously, the department was required to recommend environmental area regulations to the now-abolished Water Resources Commission.

Changes six through ten are in section 324.32312. Change six revises the section title to reflect new permit application fee requirements and the disposition of the fees collected. Changes seven and eight are in subsection 324.32312(1). Change seven incorporates the permitting procedures of Part 13 of NREPA. The effect of this incorporation is to change the department's permitting process by establishing the timeframes and conditions necessary for approval or denial of applications. Change eight establishes a permit fee schedule with fees ranging from \$50.00 to \$500.00 according to project type. The permit fee requirement has a sunset date of October 1, 2019. Change nine is a new subsection 324.32312(2) and

establishes the procedure for determining the permit application fee amount in cases where a project requires a permit under Part 323 and certain other laws. Change ten is a new subsection 324.32312(3) and directs that permit application fees collected are to be deposited in the Land and Water Management Permit Fee Fund created in section 324.30113 of NREPA. Section 30113 of Part 301, (Inland Lakes and Streams), of NREPA also addresses the management of and expenditures from the fund it establishes. Therefore, the reference to section 30113 provides the mechanisms necessary to affect the transfer of permit fees received to the fund and their subsequent use.

Changes 11 and 12 are in a new section 324.32312a. Change 11 is the citation and title for the new section. Change 12 is section 324.32312a and requires the department to allow structures with above grade walls constructed of movable brick.

Administrative Rule Changes

Ten substantive changes have been made to the Great Lakes shorelands administrative rules promulgated under the authority of the shorelands protection and management law since May 2, 1992, as shown in Attachment 2.

Change one is in the title of the administrative rules and reflects the change in the executive branch agency responsible for rule administration to the MDEQ pursuant to Executive Orders 1995-18, 2009-45, and 2011-1.

Changes two through five revise R 281.21, Definitions. Change two adds subdivision (1)(b), the definition of "alteration of vegetation." Previously, the term was used but not defined. Under the new definition the term means to change the natural density and composition of plants by mowing, cutting, clearing, spraying, burning, trimming, thinning, and other means. Changes three and four revise subdivision (1)(i), the definition of "permanent structure." Change three expands the definition to include swimming pools or decks with a roof or walls, and Change four specifies that appurtenant structures of less than 225 square feet and meeting certain other conditions are not permanent structures if they are separate from the main structure. Change five expands subdivision (1)(k), the definition of "readily moveable structure" to include certain small permanent structures with above-grade walls constructed of whole logs or brick veneer, and certain one- or two-car garages that have living space within or above the structure.

Changes six through ten are in R 281.23, Environmental Areas. Changes six through eight are in subdivision (6)(c). Change six eliminates a previously-available permit exemption provided for timber harvest that does not involve a colonial bird nesting area. Change seven gives the department discretionary authority to issue a permit for alteration of vegetation if the department finds that the alteration of vegetation is dependent upon being located in an environmental area, no other feasible and prudent alternatives exist, and the proposed activity will not adversely impact essential fish or wildlife habitat. Change eight provides a new permit exemption for the removal of hazardous tree branches, pruning of trees that block certain views, and limited maintenance of previously-permitted trails and boardwalks. Change nine revises subdivision (9) by adding restrictions on the location and configuration of structure zones within environmental areas to minimize human disturbance to fish and

wildlife habitat and fragmentation of environmental areas. Change ten revises subdivision (15) by updating the mailing address aggrieved parties must use to petition the department for a hearing contesting an environmental area designation or permit denial.

RPC Justification

The MCZMP has evaluated these changes pursuant to 15 CFR 923, Subpart H and concluded that the changes described here constitute Routine Program Changes. They do not constitute a Program Amendment as defined by 15 CFR 923.80(d) because they do not substantially change any of the five Coastal Zone Management Act program areas. The changes do not add or remove uses subject to management. The MCZMP has chosen not to employ special management areas, and the changes do not affect that decision. The changes do not revise the approved MCZMP boundary. The changes embodied in the current Part 323 and administrative rules collectively make refinements to the State's previously approved authority to regulate uses in shoreland areas subject to erosion and flooding hazards, uses with the potential to impact critical coastal land and water habitats, and the decision-making structure related to this regulatory authority. However, the changes to this authority do not substantially affect the resource or the regulated community, and the MDEQ (which was split off from the MDNR in 1995) continues to hold the primary duty and responsibility for implementing this authority within the organization of State government. Finally, the changes do not affect coordination, public involvement, and the national interest.

ATTACHMENT 1

**Comparison of the Provisions of Public Act 245 of 1970 to the Provisions of Part 323,
 Shorelands Protection and Management, of NREPA
 (1994 P.A. 451, as amended)**

Act 245 Provisions (in effect on May 19, 1978)	Current Part 323 Provisions (as last amended by 2015 P.A. 76, effective October 1, 2015)	Change
<p style="text-align: center;">Public Act 245 of 1970</p> <p>AN ACT to provide for the protection and management of shorelands; to provide for zoning and zoning ordinances; to provide certain powers and duties; to authorize certain studies; to provide for development of certain plans; to promulgate rules; and to provide for certain remedies for violations of rules.</p> <p>The People of the State of Michigan enact:</p>	<p style="text-align: center;"><u>NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT</u> (EXCERPT) <u>Act 451 of 1994</u></p>	<p>Non-Substantive. Michigan environmental and natural resource laws are drawn from the Natural Resources and Environmental Protection Act (NREPA; 1994 P.A. 451, as amended), a variety of laws reorganized into a single unified code. 1970 P.A. 245, as amended – Shorelands Protection and Management Act – was repealed and reenacted as Part 323 of NREPA effective May 24, 1995. Also, preamble to now-repealed act removed.</p>
<p>281.631 Shorelands protection and management; short title. [M.S.A.13.1831]</p> <p>Sec. 1.</p> <p>This act shall be known and may be cited as the "shorelands protection and management act of 1970".</p>		<p>Non-Substantive. Section establishing the short title of the now-repealed act removed.</p>
<p>281.632 Definitions. [M.S.A.13.1832]</p>	<p><u>324.32301</u> Definitions.</p>	<p>Non-Substantive. Citation change. Also, citations in Michigan</p>

<p>(b) "Connecting waterway" means the St. Marys river, Detroit river, St. Clair river, or Lake St. Clair.</p> <p>(c) "Department" means the department of natural resources.</p> <p>(d) "Environmental area" means an area of the shoreland determined by the department on the basis of studies and surveys to be necessary for the preservation and maintenance of fish and wildlife.</p> <p>(e) "High risk area" means an area of the shoreland which is determined by the commission on the basis of studies and surveys to be subject to erosion.</p> <p>(f) "Land to be zoned or regulated" means the land in this state which borders or is adjacent to a Great Lake or a connecting waterway and which except for flood risk areas are situated within 1,000 feet</p>	<p>(a) "Connecting waterway" means the St. Marys river, Detroit river, St. Clair river, or Lake St. Clair.</p> <p>(b) "Environmental area" means an area of the shoreland determined by the department on the basis of studies and surveys to be necessary for the preservation and maintenance of fish and wildlife.</p> <p>(c) "High-risk area" means an area of the shoreland <u>that</u> is determined by the <u>department</u> on the basis of studies and surveys to be subject to erosion.</p> <p>(d) "Land to be zoned or regulated" or "<u>land to be zoned</u>" means the land in this state <u>that</u> borders or is adjacent to a Great Lake or a connecting waterway and <u>that</u> except for flood risk areas <u>is</u> situated</p>	<p>including 1995-18, 2009-45, and 2011-1, transferred those powers and duties to the MDEQ. Non-Substantive. Re-lettering here and below.</p> <p>Non-Substantive. Definition of department is located at section 301(b) of NREPA: "Department" means the director of the department of natural resources or his or her designee to whom the director delegates a power or duty by written instrument. However, as noted elsewhere the MDEQ now administers Part 323.</p> <p>Non-Substantive. Editorial changes.</p> <p>(2) Substantive. Changes the term defined, and changes the definition to replace outdated statute citations with new statute citations to other</p>
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

<p>landward from the ordinary high-water mark as defined in section 2 of Act No. 247 of the Public Acts of 1955, as amended, being section 322.702 of the Michigan Compiled Laws, and these lands bordering or adjacent to waters affected by levels of the Great Lakes landward of the ordinary high-water mark as defined by section 2(h) of Act No. 346 of the Public Acts of 1972, as amended, being sections 281.951 to 281.965 of the Michigan Compiled Laws, and these lands between the ordinary high-water mark and the water's edge.</p> <p>(g) "Local agency" means a county, city, village, or township.</p> <p>(h) "Shoreland" means the land, water, and land beneath the water which is in close proximity to the shoreline of a Great Lake or a connecting waterway.</p>	<p>within 1,000 feet landward from the ordinary high-water mark as defined in section <u>32501</u>, land bordering or adjacent to waters affected by levels of the Great Lakes landward of the ordinary high-water mark as defined by section <u>30101(f)</u>, and land between the ordinary high-water mark and the water's edge.</p> <p>(e) "Shoreland" means the land, water, and land beneath the water <u>that</u> is in close proximity to the shoreline of a Great Lake or a connecting</p>	<p>provisions in the NREPA as re-codified in 1995. It should be noted that because of apparent drafting errors in the 1995 legislation, 1995 PA 59, the current language provides incorrect citations. Specifically, the definition of ordinary high-water mark for the Great Lakes is in section 324.32502, and for inland waters, in section 324.30101(m), respectively. But the substantive meaning of ordinary high water mark and its application to the scope of regulation under Part 323 has not changed from that referenced in the former Act 245 provisions in effect on May 19, 1978</p> <p>Non-Substantive. Definition of local agency removed. "Local agency" is replaced with "local unit of government" in this part. The definition of local unit of government is located at section 324.301(e) of NREPA: "Local unit of government" means a municipality or county. Definition of municipality is located at section 324.301(g) of NREPA: "Municipality" means a city, village, or township.</p> <p>Non-Substantive. Editorial changes.</p>
---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

<p>(i) "Shoreline" means that area of the shorelands where land and water meet.</p> <p>(j) "Flood risk area" means the area of the shoreland which is determined by the commission on the basis of studies and surveys to be subject to flooding from effects of levels of the Great Lakes and is not limited to 1,000 feet.</p>	<p>waterway.</p> <p>(f) "Shoreline" means that area of the shorelands where land and water meet.</p> <p>(g) "Flood risk area" means the area of the shoreland <u>that</u> is determined by the <u>department</u> on the basis of studies and surveys to be subject to flooding from effects of levels of the Great Lakes and is not limited to 1,000 feet.</p>	<p>Non-Substantive. Editorial changes.</p>
<p>281.633 Shoreland engineering study; contents. [M.S.A.13.1833]</p> <p>Sec. 3.</p> <p>Within 1 year after the effective date of this act, the commission shall make or cause to be made an engineering study of the shoreland to determine:</p> <p>(a) The high risk areas.</p> <p>(b) The areas of the shorelands which are platted or have buildings or structures and which require protection from erosion.</p> <p>(c) The type of protection which is best suited for an area determined in subdivision (b).</p> <p>(d) A cost estimate of the construction and maintenance for each type of protection determined in subdivision (c).</p>	<p><u>324.32302 Shoreland engineering study; determinations.</u></p> <p>Sec. <u>32302</u>.</p> <p><u>By April 1, 1972</u>, the <u>department</u> shall make or cause to be made an engineering study of the shoreland to determine <u>all of the following</u>:</p> <p>(a) The high<u> risk</u> areas.</p> <p>(b) The areas of the shorelands <u>that</u> are platted or have buildings or structures and <u>that</u> require protection from erosion.</p> <p>(c) The type of protection <u>that</u> is best suited for an area determined in subdivision (b).</p> <p>(d) A cost estimate of the construction and maintenance for each type of protection determined in subdivision (c).</p>	<p>Non-Substantive. Citation change and retitling.</p> <p>Non-Substantive. Renumbering.</p> <p>Non-Substantive. Deadline for action, now expired, is stated rather than described. Also, editorial changes.</p> <p>Non-Substantive. Editorial changes.</p> <p>Non-Substantive. Editorial changes.</p> <p>Non-Substantive. Editorial changes.</p>

<p>281.633a Engineering study. [M.S.A. 13.1833a]</p> <p>Sec. 3a.</p> <p>Before January 1, 1975, the commission shall make or cause to be made an engineering study of the shoreland to determine:</p> <p>(a) Flood risk areas.</p> <p>(b) The frequency with which a flood risk area can be expected to be flooded.</p> <p>(c) Appropriate rules necessary to prevent damage or destruction to property.</p>	<p><u>324.32303</u> Engineering study.</p> <p>Sec. <u>32303</u>.</p> <p>Before January 1, 1975, the <u>department</u> shall make or cause to be made an engineering study of the shoreland to determine:</p> <p>(a) Flood risk areas.</p> <p>(b) The frequency with which a flood risk area can be expected to be flooded.</p> <p>(c) Appropriate rules necessary to prevent damage or destruction to property.</p>	<p>Non-Substantive. Citation change.</p> <p>Non-Substantive. Renumbering.</p>
<p>281.634 Environmental study. [M.S.A. 13.1834]</p> <p>Sec. 4.</p> <p>Within 1 year after the effective date of this act the department shall make or cause to be made an environmental study of the shoreland to determine:</p> <p>(a) The environmental areas.</p> <p>(b) The areas of marshes along and adjacent to the shorelands.</p> <p>(c) The marshes and fish and wildlife habitat areas which should be protected by shoreland zoning or regulation.</p>	<p><u>324.32304</u> Environmental study.</p> <p>Sec. <u>32304</u>.</p> <p><u>By April 1, 1972,</u> the department shall make or cause to be made an environmental study of the shoreland to determine <u>all of the following</u>:</p> <p>(a) The environmental areas.</p> <p>(b) The areas of marshes along and adjacent to the shorelands.</p> <p>(c) The marshes and fish and wildlife habitat areas <u>that</u> should be protected by shoreland zoning or regulation.</p>	<p>Non-Substantive. Citation change.</p> <p>Non-Substantive. Renumbering.</p> <p>Non-Substantive. Deadline for action, now expired, is stated rather than described. Also, editorial changes.</p> <p>Non-Substantive. Editorial changes.</p>
<p>281.635 Use of high risk area; prevention of property loss; notice of determinations</p>	<p><u>324.32305</u> Use of high risk area; prevention of property loss; notice of</p>	<p>Non-Substantive. Citation change.</p>

<p>and recommendations. [M.S.A. 13.1835]</p> <p>Sec. 5.</p> <p>The commission pursuant to section 3 shall determine if the use of a high risk area shall be regulated to prevent property loss or if suitable methods of protection shall be installed to prevent property loss. The commission shall notify a local agency, the department of licensing and regulation, the department of labor, the department of treasury, and the department of commerce or other affected state agencies of its determinations and recommendations relative to a high risk area which is in a local agency.</p>	<p>determinations and recommendations.</p> <p>Sec. <u>32305</u>.</p> <p>The <u>department</u> pursuant to section <u>32302</u> shall determine if the use of a high-risk area shall be regulated to prevent property loss or if suitable methods of protection shall be installed to prevent property loss. The <u>department</u> shall notify a local <u>unit of government</u>, the department of labor, the department of treasury, and the department of commerce or other affected state agencies of its determinations and recommendations relative to a high-risk area <u>that</u> is in a local <u>unit of government</u>.</p>	<p>Non-Substantive. Renumbering.</p> <p>Non-Substantive. Citation change and editorial changes.</p> <p>(3) Substantive. Executive Order 1991-9 transferred the powers, duties, and functions of the Michigan Department of Licensing and Regulation to the Michigan Department of Commerce, effective September 1, 1991. Subsequently, the Michigan Departments of Labor and Commerce have become the Michigan Department of Licensing and Regulatory Affairs through Executive Orders 1996-2, 2003-18, 2008-20 and 2011-4.</p>
<p>281.635a Use of flood risk area; prevention of property loss; notice of determinations and recommendations. [M.S.A. 13.1835a]</p> <p>Sec. 5a.</p> <p>The commission pursuant to section 3a shall determine if the use of a flood risk area shall be regulated to prevent property loss or if suitable methods of protection shall be installed to</p>	<p>324.32306 Use of flood risk area; prevention of property loss; notice of determinations and recommendations.</p> <p>Sec. <u>32306</u>.</p> <p>The <u>department</u> pursuant to section <u>32303</u> shall determine if the use of a flood risk area shall be regulated to prevent property loss or if suitable methods of protection shall be</p>	<p>Non-Substantive. Citation change.</p> <p>Non-Substantive. Renumbering.</p> <p>Non-Substantive. Citation change. Also, editorial changes.</p>

<p>prevent property loss. The commission shall notify a local agency, the department of licensing and regulation, the department of labor, the department of treasury, and the department of commerce or other affected state agencies of its determinations and recommendations relative to a flood risk area which is in a local agency.</p>	<p>installed to prevent property loss. The <u>department</u> shall notify a local <u>unit of government</u>, the department of labor, the department of treasury, and the department of commerce or other affected state agencies of its determinations and recommendations relative to a flood risk area <u>that</u> is in a local <u>unit of government</u>.</p>	<p>(4) Substantive. Executive Order 1991-9 transferred the powers, duties, and functions of the Michigan Department of Licensing and Regulation to the Michigan Department of Commerce, effective September 1, 1991. Subsequently, the Michigan Departments of Labor and Commerce have become the Michigan Department of Licensing and Regulatory Affairs through Executive Orders 1996-2, 2003-18, 2008-20 and 2011-4.</p>
<p>281.636 Environmental area; use, regulation. [M.S.A. 13.1836]</p> <p>Sec. 6.</p> <p>The department in accordance with section 4 shall notify a local agency of the existence of any environmental area which is in a local agency and shall recommend to the commission appropriate use regulations necessary to protect an environmental area.</p>	<p>324.32307 Environmental area; use; regulation.</p> <p>Sec. <u>32307</u>.</p> <p>The department in accordance with section <u>32304</u> shall notify a local <u>unit of government</u> of the existence of any environmental area <u>that</u> is in a local <u>unit of government</u> and shall <u>formulate</u> appropriate use regulations necessary to protect an environmental area.</p>	<p>Non-Substantive. Citation change and retitling.</p> <p>Non-Substantive. Renumbering.</p> <p>Non-Substantive. Citation change. Also, editorial changes.</p> <p>(5) Substantive. Role of the department is to formulate environmental area regulations, which it is now authorized to promulgate as rules under section 324.32312. Previously, the department's role was to recommend regulations.</p>
<p>281.637 County zoning. [M.S.A. 13.1837]</p> <p>Sec. 7.</p>	<p>324.32308 County zoning.</p> <p>Sec. <u>32308</u>.</p>	<p>Non-Substantive. Citation change.</p> <p>Non-Substantive.</p>

<p>Until July 1, 1975, a county, pursuant to rules promulgated under section 42 and Act No. 183 of the Public Acts of 1943, as amended, being sections 125.201 to 125.232 of the Michigan Compiled Laws, may zone any shoreland and land to be zoned which is in the county.</p>	<p>Until July 1, 1975, a county, pursuant to rules promulgated under section <u>32313</u> and <u>the county rural zoning enabling act</u>, Act No. 183 of the Public Acts of 1943, being sections 125.201 to 125.232 of the Michigan Compiled Laws, may zone any shoreland and land to be zoned <u>that</u> is in the county.</p>	<p>Renumbering.</p> <p>Non-Substantive. Citation change and editorial changes. However, the sections of the statutes authorizing rule promulgation are incorrectly identified and are correctly cited as section 11 in Act 245 and section 32312 in Part 323. It should also be noted that 1943 PA 183 was repealed and replaced by 2006 PA 110, the Michigan Zoning Enabling Act. Nevertheless, the deadline for action has expired.</p>
<p>281.638 City or village zoning. [M.S.A. 13.1838]</p> <p>Sec. 8.</p> <p>Until July 1, 1975, a city or village, pursuant to rules promulgated under section 42 and Act No. 207 of the Public Acts of 1921, as amended, being sections 125.581 to 425.594 of the Michigan Compiled Laws, may zone any shoreland and land to be zoned which is in the city or village.</p>	<p>324.32309 City or village zoning.</p> <p>Sec. <u>32309</u>.</p> <p>Until July 1, 1975, a city or village, pursuant to rules promulgated under section <u>32313</u> and Act No. 207 of the Public Acts of 1921, being sections 125.581 to <u>125.592</u> of the Michigan Compiled Laws, may zone any shoreland and land to be zoned <u>that</u> is in the city or village.</p>	<p>Non-Substantive. Citation change.</p> <p>Non-Substantive. Renumbering.</p> <p>Non-Substantive. Citation changes and editorial changes. However, the sections of the statutes authorizing rule promulgation are incorrectly identified and are correctly cited as section 11 in Act 245 and section 32312 in Part 323. It should also be noted that 1921 PA 207 was repealed and replaced by 2006 PA 110, the Michigan Zoning Enabling Act. Nevertheless, the</p>

		deadline for action has expired.
<p>281.639 Township zoning. [M.S.A. 13.1839]</p> <p>Sec. 9.</p> <p>Until July 1, 1975, a township, pursuant to rules promulgated under section 42 and Act No. 184 of the Public Acts of 1943, as amended, being sections 125.271 to 125.301 of the Michigan Compiled Laws, may zone any shoreland and land to be zoned which is in the township.</p>	<p><u>324.32310</u> Township zoning.</p> <p>Sec. <u>32310</u>.</p> <p>Until July 1, 1975, a township, pursuant to rules promulgated under section <u>32313</u> and <u>the township rural zoning act</u>, Act No. 184 of the Public Acts of 1943, being sections 125.271 to 125.301 of the Michigan Compiled Laws, may zone any shoreland and land to be zoned <u>that</u> is in the township.</p>	<p>Non-Substantive. Citation change.</p> <p>Non-Substantive. Renumbering.</p> <p>Non-Substantive. Citation changes and editorial changes. However, the sections of the statutes authorizing rule promulgation are incorrectly identified and are correctly cited as section 11 in Act 245 and section 32312 in Part 323. It should also be noted that 1943 PA 184 was repealed and replaced by 2006 PA 110, the Michigan Zoning Enabling Act. Nevertheless, the deadline for action has expired.</p>
<p>281.640 Approval or disapproval of zoning ordinance regulating high risk area, flood risk area, or environmental area. [M.S.A. 13.1840]</p> <p>Sec. 40.</p> <p>An existing zoning ordinance or a zoning ordinance or a modification or amendment thereto which regulates a high risk area, flood risk area, or an environmental area shall be submitted to the commission for approval or disapproval. The</p>	<p><u>324.32311</u> Approval or disapproval of zoning ordinance regulating high risk area, flood risk area, or environmental area.</p> <p>Sec. <u>32311</u>.</p> <p>An existing zoning ordinance or a zoning ordinance or a modification or amendment <u>to a zoning ordinance that</u> regulates a high-risk area, a flood risk area, or an environmental area shall be submitted to the <u>department</u> for approval or</p>	<p>Non- Substantive. Citation change.</p> <p>Non-Substantive. Renumbering.</p> <p>Non-Substantive. Editorial changes.</p>

<p>commission shall determine if the ordinance, modification, or amendment adequately prevents property damage or prevents damage to an environmental area, a high risk area, or a flood risk area. If an ordinance, modification, or amendment is disapproved by the commission, it shall not have force or effect until modified by the local agency and approved by the commission.</p>	<p>disapproval. The <u>department</u> shall determine if the ordinance, modification, or amendment adequately prevents property damage or prevents damage to an environmental area, a <u>high_risk</u> area, or a flood risk area. If an ordinance, modification, or amendment is disapproved by the <u>department</u>, it shall not have force or effect until modified by the local <u>unit of government</u> and approved by the <u>department</u>.</p>	
<p>281.641 Rules; violation; restraining order. [M.S.A. 13.1841]</p> <p>Sec. 44.</p> <p>(1) The commission, in order to regulate the uses and development of high risk areas, flood risk areas, and environmental areas and to implement the purposes of this act, shall promulgate rules pursuant to Act No. 306 of the Public Acts of 1969, as amended, being sections 24.201 to 24.315 of the Michigan Compiled Laws.</p>	<p><u>324.32312</u> Rules; <u>fee required with permit application or project; disposition of fees; violation; restraining order.</u></p> <p>Sec. <u>32312</u>.</p> <p>(1) <u>To regulate the uses and development of high_risk areas, flood risk areas, and environmental areas and to implement the purposes of this part, the department shall promulgate rules. If permits are required under rules promulgated under this part, the permits shall be issued pursuant to the rules and part 13. Except as provided under subsection (2), until October 1, 2019, if permits are required pursuant to rules promulgated under this part, an application for a permit shall be accompanied by a fee as follows:</u></p>	<p>(6) Substantive. Retitling to address submission and disposition of permit application fees. Also, citation change. Non-Substantive. Renumbering. Non-Substantive. Editorial changes.</p> <p>Non-Substantive. Definition of rule is located at section 301(j) of NREPA: "Rule" means a rule promulgated pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.</p> <p>(7) Substantive. Permits required under rules must be issued in accordance with the procedures of Part 13 of NREPA. (8) Substantive. Subsection expanded to include an application fee</p>

<p>(2) A circuit court upon petition and a showing by the commission that a violation of a</p>	<p><u>(a) For a commercial or multifamily residential project, \$500.00.</u></p> <p><u>(b) For a single-family home construction, \$100.00.</u></p> <p><u>(c) For an addition to an existing single-family home or for a project that has a minor impact on fish and wildlife resources in environmental areas as determined by the department, \$50.00.</u></p> <p><u>(2) A project that requires review and approval under this part and under 1 or more of the following is subject to only the single highest permit fee required under this part or the following:</u></p> <p><u>(a) Part 301.</u></p> <p><u>(b) Part 303.</u></p> <p><u>(c) Part 325.</u></p> <p><u>(d) Section 3104.</u></p> <p><u>(e) Section 117 of the land division act, 1967 PA 288, MCL 560.117.</u></p> <p><u>(3) The department shall forward fees collected under this section to the state treasurer for deposit in the land and water management permit fee fund created in section 30113.</u></p> <p><u>(4) A circuit court, upon petition and a showing by the department that a rule</u></p>	<p>schedule based on project type. Fees range from \$50.00 to \$500.00. The permit fee requirement expires October 1, 2019.</p> <p>(9) Substantive. The permit application fee for a project subject to this part and one or more certain other parts or MCL 560.117 is limited to the single highest fee required by the applicable parts or MCL 560.117.</p> <p>(10) Substantive. Permit application fees collected must be deposited in the land and water management permit fee fund established in section 324.30113 of NREPA.</p> <p>Non-Substantive. Renumbering and editorial changes.</p>
-----------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

<p>rule promulgated under subsection (1) exists, shall issue any necessary order to the defendant to correct the violation or to restrain the defendant from further violation of the rule.</p>	<p>promulgated under subsection (1) <u>has been violated</u>, shall issue any necessary order to the defendant to correct the violation or to restrain the defendant from further violation of the rule.</p>	
	<p><u>324.32312a Construction of above grade walls with movable brick.</u></p> <p><u>Sec. 32312a.</u></p> <p><u>Notwithstanding any other provision of this part or the rules promulgated under this part, the department shall allow above grade walls to be constructed with movable brick.</u></p>	<p>(11) Substantive. Citation and title for new section.</p> <p>Non-Substantive. New numbering.</p> <p>(12) Substantive. Department is required to allow above grade walls constructed with movable brick.</p>
<p>281.642 Use and management plan; contents; hearings; submission. [M.S.A. 43.1842]</p> <p>Sec. 42.</p> <p>(1) Within 18 months after the effective date of this act the commission shall, in compliance with the purposes of this act, prepare a plan for the use and management of shoreland. The plan shall include but not be limited to:</p> <p>(a) An inventory and identification of the use and development characteristics of the shoreland; the general physical and man-influenced shoreline features; the existing and proposed municipal and industrial water intakes and</p>	<p><u>324.32313 Use and management plan; contents; hearings; submission of plan copies to governor and legislature.</u></p> <p>Sec. <u>32313.</u></p> <p>(1) <u>By October 1, 1972, the department shall, in compliance with the purposes of this part,</u> prepare a plan for the use and management of shoreland. The plan shall include but not be limited to <u>all of the following:</u></p> <p>(a) An inventory and identification of the use and development characteristics of the shoreland; the general physical and man-influenced shoreline features; the existing and proposed municipal and industrial water intakes and</p>	<p>Non-Substantive. Citation change and retitling.</p> <p>Non-Substantive. Renumbering.</p> <p>Non-Substantive. Deadline for action, now expired, is stated rather than described. The required plan, titled <i>A Plan for Michigan's Shorelands</i>, was published in August, 1973. Also, editorial changes.</p>

<p>sewage and industrial waste outfalls; and high risk areas and environmental areas.</p> <p>(b) An inventory of existing federal, state, regional and local plans for the management of the shorelands.</p> <p>(c) An identification of problems associated with shoreland use, development, conservation and protection.</p> <p>(d) A provision for a continuing inventory of shoreland and estuarine resources.</p> <p>(e) Provisions for further studies and research pertaining to shoreland management.</p> <p>(f) Identification of the high risk and environmental areas which need protection.</p> <p>(g) Recommendations which shall:</p> <p>(i) Provide procedures for the resolution of conflicts arising from multiple use.</p> <p>(ii) Foster the widest variety of beneficial uses.</p> <p>(iii) Provide for the necessary enforcement powers to assure compliance with plans and to resolve conflicts in uses.</p> <p>(iv) Provide criteria for the protection of shorelands from erosion or inundation, for aquatic recreation, for shore growth and cover, for low lying</p>	<p>sewage and industrial waste outfalls; and high-risk areas and environmental areas.</p> <p>(b) An inventory of existing federal, state, regional, and local plans for the management of the shorelands.</p> <p>(c) An identification of problems associated with shoreland use, development, conservation, and protection.</p> <p>(d) A provision for a continuing inventory of shoreland and estuarine resources.</p> <p>(e) Provisions for further studies and research pertaining to shoreland management.</p> <p>(f) Identification of the high-risk and environmental areas <u>that</u> need protection.</p> <p>(g) Recommendations <u>that do all of the following:</u></p> <p>(i) Provide procedures for the resolution of conflicts arising from multiple use.</p> <p>(ii) Foster the widest variety of beneficial uses.</p> <p>(iii) Provide for the necessary enforcement powers to assure compliance with plans and to resolve conflicts in uses.</p> <p>(iv) Provide criteria for the protection of shorelands from erosion or inundation, for aquatic recreation, for shore growth and cover, for low-lying</p>	<p>Non-Substantive. Editorial changes.</p> <p>Non-Substantive. Editorial changes.</p> <p>Non-Substantive. Editorial changes.</p> <p>Non-Substantive. Editorial changes.</p> <p>Non-Substantive. Editorial changes.</p> <p>Non-Substantive. Editorial changes.</p> <p>Non-Substantive.</p>
----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

<p>lands and for fish and game management.</p> <p>(v) Provide criteria for shoreland layout for residential, industrial and commercial development, and shoreline alteration control.</p> <p>(vi) Provide for building setbacks from the water.</p> <p>(vii) Provide for the prevention of shoreland littering, blight harbor development and pollution.</p> <p>(viii) Provide for the regulation of mineral exploration and production.</p> <p>(ix) Provide the basis for necessary future legislation pertaining to efficient shoreland management.</p> <p>(2) Upon completion of the plan, the commission shall hold regional public hearings on the recommendations of the plan. Copies of the plan shall be submitted with the hearing records to the governor and the legislature.</p>	<p>lands, and for fish and game management.</p> <p>(v) Provide criteria for shoreland layout for residential, industrial, and commercial development, and shoreline alteration control.</p> <p>(vi) Provide for building setbacks from the water.</p> <p>(vii) Provide for the prevention of shoreland littering, blight harbor development, and pollution.</p> <p>(viii) Provide for the regulation of mineral exploration and production.</p> <p>(ix) Provide the basis for necessary future legislation pertaining to efficient shoreland management.</p> <p>(2) Upon completion of the plan, the <u>department</u> shall hold regional public hearings on the recommendations of the plan. Copies of the plan shall be submitted with the hearing records to the governor and the legislature.</p>	<p>Editorial changes.</p> <p>Non-Substantive. Editorial changes.</p> <p>Non-Substantive. Editorial changes.</p>
<p>281.643 Agreements and contracts. [M.S.A. 13.1843]</p> <p>Sec. 13.</p> <p>The department and commission may enter into an agreement jointly or separately or to make contracts with the federal government, other state agencies, local agencies or</p>	<p>324.32314 Agreements and contracts.</p> <p>Sec. <u>32314</u>.</p> <p>The department may enter into an agreement or make contracts with the federal government, other state agencies, local <u>units of government</u>, or private</p>	<p>Non-Substantive. Citation change.</p> <p>Non-Substantive. Renumbering.</p> <p>Non-Substantive. Editorial changes.</p>

<p>private agencies for the purposes of making studies and plans for the efficient use, development, preservation or management of the state's shoreland resources. Any study, plan or recommendation shall be available to a local agency in this state which has shoreland. The recommendations and policies set forth in the studies or plans shall serve as a basis and guideline for establishing zoning ordinances and developing shoreland plans by local agencies and the commission.</p>	<p>agencies for the purposes of making studies and plans for the efficient use, development, preservation, or management of the state's shoreland resources. Any study, plan, or recommendation shall be available to a local <u>unit of government</u> in this state <u>that</u> has shoreland. The recommendations and policies set forth in the studies or plans shall serve as a basis and guideline for establishing zoning ordinances and developing shoreland plans by local <u>units of government</u> and the <u>department</u>.</p>	
<p>281.644 Assistance, acceptance. [M.S.A. 13.1844]</p> <p>Sec. 44.</p> <p>For the purposes of this act, the department and the commission may receive, obtain or accept any moneys, grants or grants-in-aid for the purpose of research, planning or management of shoreland.</p>	<p><u>324.32315 Money, grants, or grants-in-aid; purpose.</u></p> <p>Sec. <u>32315</u>.</p> <p>For the purposes of this <u>part</u>, the department may receive, obtain, or accept money, grants, or grants-in-aid for the purpose of research, planning, or management of shoreland.</p>	<p>Non-Substantive. Citation change and retitling.</p> <p>Non-Substantive. Renumbering.</p> <p>Non-Substantive. Editorial changes.</p>
<p>281.645 Repealed. 1974, p. 1052, Act 270, Imd. Eff. Aug. 13.</p>		<p>Non-Substantive. Citation for repealed section removed.</p>

ATTACHMENT 2

Comparison of the Administrative Rules Promulgated Under the Authority of Public Act 245 of 1970 to the Administrative Rules Promulgated Under the Authority of Part 323 of NREPA (1994 P.A. 451, as amended)

Act 245 Administrative Rules (as last revised effective May 2, 1992)	Part 323 Administrative Rules (as last revised effective March 11, 1999)	Change
<p>DEPARTMENT OF NATURAL RESOURCES</p> <p>LAND AND WATER MANAGEMENT DIVISION</p> <p>GREAT LAKES SHORELANDS</p> <p>(By authority conferred on the natural resources commission by section 11 of Act No. 245 of the Public Acts of 1970, as amended, and Executive Reorganization Order No. 1973-2, as amended, being §§281.641 and 299.11 of the Michigan Compiled Laws)</p> <p>R 281.21 Definitions.</p> <p>Rule 1.</p> <p>(1) As used in these rules:</p> <p>(a) "Act" means Act No. 245 of the Public Acts of 1970, as amended, being §281.634 et seq. of the Michigan Compiled Laws, and known as the shorelands protection and management act of 1970.</p>	<p><u>DEPARTMENT OF ENVIRONMENTAL QUALITY</u></p> <p><u>SHORELANDS PROTECTION AND MANAGEMENT</u></p> <p>(By authority conferred on the department of environmental quality by section <u>32312</u> of Act No. 451 of the Public Acts of 1994, as amended, being <u>S324.32312</u> of the Michigan Compiled Laws)</p> <p>R 281.21 Definitions.</p> <p>Rule 1.</p> <p>(1) As used in these rules:</p> <p>(a) "Act" means <u>Part 323 of Act No. 451</u> of the Public Acts of <u>1994</u>, as amended, being <u>§324.32301</u> et seq. of the Michigan Compiled Laws, and known as shorelands protection and management.</p>	<p>(1) Substantive. Executive Orders 1995-18, 2009-45, and 2011-1 transferred the statutory authority, powers, duties, functions, and responsibilities in Part 323 held in the department of natural resources to the director of the department of environmental quality.</p> <p>Non-Substantive. Retitling.</p> <p>Non-Substantive. Citation change.</p> <p>Non-Substantive. Citation change and editorial changes.</p>

<p>(b) "Erosion hazard line" means the line along the shoreland that is the landward edge of the zone of active erosion or the line where the 583.0 feet international Great Lakes datum contour on Lake Michigan, the 582.2 feet international Great Lakes datum contour on Lake Huron, or the 603.3 feet international Great Lakes datum contour on Lake Superior meets the shoreland, whichever is furthest landward.</p> <p>(c) "High bluff" means a bluff or dune that is more than 25 feet in height measured from the appropriate elevation contour set forth in the definition of erosion hazard line.</p> <p>(d) "Low bluff" means a bluff or dune that is 25 feet or less in height measured from the appropriate elevation contour set forth in the definition of erosion hazard line.</p> <p>(e) "Nonconforming structure" means a permanent structure which does not conform to the required setback distance at the time of designation or which became nonconforming due to erosion or became nonconforming due to a change in the required setback distance. Permanent structures that are constructed in</p>	<p><u>(b) "Alteration of vegetation" means to change the natural density and composition of plants by human activity such as mowing, cutting, clearing, spraying, burning, trimming, thinning, and other means.</u></p> <p>(c) "Erosion hazard line" means the line along the shoreland that is the landward edge of the zone of active erosion or the line where the 583.0 feet international Great Lakes datum contour on Lake Michigan, the 582.2 feet international Great Lakes datum contour on Lake Huron, or the 603.3 feet international Great Lakes datum contour on Lake Superior meets the shoreland, whichever is furthest landward.</p> <p>(d) "High bluff" means a bluff or dune that is more than 25 feet in height measured from the appropriate elevation contour set forth in the definition of erosion hazard line.</p> <p>(e) "Low bluff" means a bluff or dune that is 25 feet or less in height measured from the appropriate elevation contour set forth in the definition of erosion hazard line.</p> <p>(f) "Nonconforming structure" means a permanent structure which does not conform to the required setback distance at the time of designation or which became nonconforming due to erosion or became nonconforming due to a change in the required setback distance. Permanent structures that are constructed in violation of</p>	<p>(2) Substantive. Definition of alteration of vegetation added.</p> <p>Non-Substantive. Re-lettering here and below.</p>
-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------

<p>violation of these rules shall not be considered to be nonconforming structures.</p> <p>(f) "One hundred-year flood" means a flood that has a 1% chance of being equaled or exceeded in any given year.</p> <p>(g) "Parcel" means a continuous area or acreage of land which is under the same ownership at the time of designation.</p> <p>(h) "Permanent structure" means any 1 of the following structures that is erected, installed, or moved on a parcel of property:</p> <p>(i) A residential building.</p> <p>(ii) A commercial building.</p> <p>(iii) An industrial building.</p> <p>(iv) An institutional building.</p> <p>(v) A mobile home.</p> <p>(vi) Accessory and related buildings.</p> <p>(vii) Septic systems.</p> <p>(viii) Tile fields.</p> <p>(ix) Other waste-handling facilities. A permanent structure shall be considered small if it has a foundation size of 3,500 square feet or less and less than 5 individual living units. All other</p>	<p>these rules shall not be considered to be nonconforming structures.</p> <p>(g) "One hundred-year flood" means a flood that has a 1% chance of being equaled or exceeded in any given year.</p> <p>(h) "Parcel" means a continuous area or acreage of land <u>that</u> is under the same ownership at the time of designation.</p> <p>(i) "Permanent structure" means any 1 of the following structures that is erected, installed, or moved on a parcel of property:</p> <p>(i) A residential building.</p> <p>(ii) A commercial building.</p> <p>(iii) An industrial building.</p> <p>(iv) An institutional building.</p> <p>(v) A mobile home.</p> <p>(vi) Accessory and related buildings.</p> <p>(vii) <u>A swimming pool or deck that has a roof or walls.</u></p> <p>(viii) Septic systems.</p> <p>(ix) Tile fields.</p> <p>(x) Other waste-handling facilities. A permanent structure shall be considered small if it has a foundation size of 3,500 square feet or less and less than 5 individual living units. All other permanent</p>	<p>Non-Substantive. Editorial changes.</p> <p>(3) Substantive. Definition of permanent structure expanded to include swimming pool or deck with roof or walls. Non-Substantive. Renumbering here and below.</p>
-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

<p>permanent structures shall be considered large. The term does not include recreational vehicles or travel trailers. The term also does not include appurtenant structures which have less than 225 square feet, which are used for picnicking or storing of recreational or lawn equipment, and which are constructed in a manner that facilitates easy removal. The appurtenant structure shall not have a permanent foundation and shall not be used as a residential facility.</p> <p>(i) "Projected recession distance" means the distance, in feet, determined by the department pursuant to the provisions of R 281.22.</p> <p>(j) "Readily moveable structure" means a small permanent structure which is designed, sited, and constructed to accomplish relocation at a reasonable cost relative to other structures of the same size and construction. Access to and from the site shall be of sufficient width and acceptable grade to permit the structure to be relocated. New construction and installations shall meet the following criteria to be considered readily moveable structures:</p> <p>(i) The buildings shall be on pilings, a basement, or crawl space. Except as noted in paragraph (ii) of this subdivision, a slab-on-grade foundation does not meet this criterion.</p>	<p>structures shall be considered large. <u>"Permanent structure"</u> does not include recreational vehicles, travel trailers, <u>swimming pools, or decks constructed on pilings if the pool or deck does not have a roof or walls.</u> A <u>"Permanent Structure"</u> also does not include <u>separate</u> appurtenant structures which have less than 225 square feet, which are used for picnicking or storing of recreational or lawn equipment, and which are constructed in a manner that facilitates easy removal. The appurtenant structure shall not have a permanent foundation and shall not be used as a residential facility.</p> <p>(i) "Projected recession distance" means the distance, in feet, determined by the department <u>under R 281.22.</u></p> <p>(k) "Readily moveable structure" means a small permanent structure which is designed, sited, and constructed to accomplish relocation at a reasonable cost relative to other structures of the same size and construction. Access to and from the site shall be of sufficient width and acceptable grade to permit the structure to be relocated. New construction and installations shall meet the following criteria to be considered readily moveable structures:</p> <p>(i) The buildings shall be on pilings, a basement, or crawl space. Except as noted in paragraph (ii) of this subdivision, a slab-on-grade foundation does not meet this criterion.</p>	<p>Non-Substantive. Editorial changes.</p> <p>Non-Substantive. Reiteration of subrule (1)(i)(vii).</p> <p>(4) Substantive. Specifies that certain appurtenant structures are not permanent structures if they are separate from the main structure.</p> <p>Non-Substantive. Editorial changes.</p>
----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

<p>(ii) Above-grade walls shall be stud wall construction. Above-grade walls that are constructed of masonry, including stone walls, concrete poured or concrete block walls, and brick veneer walls do not meet this criterion. Existing permanent structures shall be considered readily moveable structures if the cost of relocation landward of the required setback distance is not more than 25% of the replacement cost of the structure or if the existing structure meets the criteria for new construction in this subdivision. A 1- or 2-car garage which is bolted to a slab foundation, which does not have living space within or above the structure, and which does not have plumbing or interior walls shall be considered a readily moveable structure if it meets the remainder of the requirements specified in this subdivision. Septic systems, tile fields, or other waste-handling facilities are not readily moveable structures.</p> <p>(k) "Required setback distance" means the least distance a permanent structure can be constructed from the erosion hazard line without a special exception. The required setback distance is calculated using the following criteria:</p> <p>(i) For low bluffs, the required setback distance shall be at the projected recession distance from the erosion hazard line.</p> <p>(ii) For high bluffs, the required</p>	<p>(ii) Above-grade walls shall be stud wall <u>or whole log</u> construction. Above-grade walls that are constructed of masonry, including stone walls, concrete poured, or concrete block walls do not meet this criterion. Existing permanent structures shall be considered readily moveable structures if the cost of relocation landward of the required setback distance is not more than 25% of the replacement cost of the structure or if the existing structure meets the criteria for new construction in this subdivision. A 1- or 2-car garage which is bolted to a slab foundation and which does not have plumbing or interior walls <u>is</u> a readily moveable structure if it meets the remainder of the requirements specified in this subdivision. Septic systems, tile fields, or other waste-handling facilities are not readily moveable structures.</p> <p>(l) "Required setback distance" means the least distance a permanent structure can be constructed from the erosion hazard line without a special exception. The required setback distance is calculated using the following criteria:</p> <p>(i) For low bluffs, the required setback distance shall be at the projected recession distance from the erosion hazard line.</p> <p>(ii) For high bluffs, the required</p>	<p>(5) Substantive. Definition of readily moveable structure revised to include certain small permanent structures with above-grade walls constructed of whole logs or brick veneer, and certain garages that have living space within or above the structure. Also, editorial changes.</p>
-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

<p>setback distance is calculated by adding 1.0 to the product of the percentage points of slope over 25% and 0.05 to a maximum of 2.0. The answer is multiplied by the projected recession distance in feet. The following table shows sample calculations using this formula:</p> <p>REQUIRED SETBACK PERCENT SLOPE 1.0 (PERCENT SLOPE OVER 25% X 0.05) MULTIPLIER</p> <p>25 1.0+ (0x 0.05) = 1 30 1.0+ (5 x 0.05) = 1.25 35 1.0+ (10 x 0.05) = 1.5 40 1.0+ (15x 0.05) = 1.75 45 1.0+ (20 x 0.05) = 2.0</p> <p>The slope of the bluff or dune is measured over a 50-foot distance on the lower portion of the lakeward facing slope of the dune or bluff.</p> <p>(iii) The required setback distance shall not be greater than the projected recession distance from the top of the lakeward facing slope of a dune or bluff.</p> <p>(iv) For bluffs and dunes which have slopes of more than 60% and which are more than 100 feet in elevation above the appropriate lake elevation set forth in the definition of erosion hazard line, the required setback distance shall be established not less than 30 feet landward of the lakeward facing slope of the dune or bluff.</p> <p>(†) "Structure zone" means an area within an environmental area where a permit is not required to</p>	<p>setback distance is calculated by adding 1.0 to the product of the percentage points of slope over 25% and 0.05 to a maximum of 2.0. The answer is multiplied by the projected recession distance in feet. The following table shows sample calculations using this formula:</p> <p>Required Setback Percent Slope 1.0 (Percent Slope over 25% x 0.05) Multiplier</p> <p>25 1.0+ (0 x 0.05) = 1 30 1.0+ (5 x 0.05) = 1.25 35 1.0+ (10 x 0.05) = 1.5 40 1.0+ (15 x 0.05) = 1.75 45 1.0+ (20 x 0.05) = 2.0</p> <p>The slope of the bluff or dune is measured over a 50-foot distance on the lower portion of the lakeward facing slope of the dune or bluff.</p> <p>(iii) The required setback distance shall not be greater than the projected recession distance from the top of the lakeward facing slope of a dune or bluff.</p> <p>(iv) For bluffs and dunes which have slopes of more than 60% and which are more than 100 feet in elevation above the appropriate lake elevation set forth in the definition of erosion hazard line, the required setback distance shall be established not less than 30 feet landward of the lakeward facing slope of the dune or bluff.</p> <p>(m) "Structure zone" means an area within an environmental area where a permit <u>under this part</u> is not</p>	<p>Non-Substantive. Editorial</p>
----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------

<p>engage in the activities specified in R 281.23(6).</p> <p>(m) "Setback line" means the line which is the required setback distance landward of the erosion hazard line and which is the lakeward limit for the construction of permanent structures without a special exception.</p> <p>(n) "Substandard parcel" means a lot or parcel of record or a lot or parcel which is described in a land contract or deed that is executed and delivered before the designation of a high-risk erosion area and which does not have adequate depth to provide the required setback distance from the erosion hazard line for a permanent structure. The term also means those lots which are legally created after the designation of a high-risk erosion area and which have sufficient depth to meet setback requirements for permanent structures, but which subsequently become substandard due to erosion processes or become substandard due to a change in the required setback distance.</p> <p>(o) "Wetland-oriented birds" means any of the following:</p> <ul style="list-style-type: none"> (i) Waterfowl. (ii) Shorebirds. (iii) Gulls. (iv) Terns. 	<p>required to engage in the activities specified in R 281.23(6).</p> <p>(<u>n</u>) "Setback line" means the line which is the required setback distance landward of the erosion hazard line and which is the lakeward limit for the construction of permanent structures without a special exception.</p> <p>(<u>o</u>) "Substandard parcel" means a lot or parcel of record or a lot or parcel which is described in a land contract or deed that is executed and delivered before the designation of a high-risk erosion area and which does not have adequate depth to provide the required setback distance from the erosion hazard line for a permanent structure. "<u>Substandard Parcel</u>" also means those lots which are legally created after the designation of a high-risk erosion area and which have sufficient depth to meet setback requirements for permanent structures, but which subsequently become substandard due to erosion processes or become substandard due to a change in the required setback distance.</p> <p>(<u>p</u>) "Wetland-oriented birds" means any of the following:</p> <ul style="list-style-type: none"> (i) Waterfowl. (ii) Shorebirds. (iii) Gulls. (iv) Terns. 	<p>changes.</p> <p>Non-Substantive. Editorial changes.</p>
---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------

<p>(v) Herons.</p> <p>(vi) Rails.</p> <p>(vii) Bitterns.</p> <p>(viii) Other birds associated with coastal or wetland areas.</p> <p>(p) "Wetland-oriented mammals" means any of the following:</p> <p>(i) Muskrats.</p> <p>(ii) Mink.</p> <p>(iii) Beavers.</p> <p>(iv) Otter.</p> <p>(v) Other mammals associated with coastal or wetland habitats.</p> <p>(q) "Zone of active erosion" means the area of the shoreland where the disturbance or loss of soil and substrate has occurred with sufficient frequency to cause unstable slopes or prevent vegetation of the area.</p> <p>(2) The terms defined in the act have the same meanings when used in these rules.</p> <p>R 281.22 High-risk erosion areas.</p> <p>Rule 2.</p> <p>(1) Not less than 30 days before the designation of a high-risk erosion area, the department shall mail predesignation letters to the affected landowners of record as shown in the last assessment</p>	<p>(v) Herons.</p> <p>(vi) Rails.</p> <p>(vii) Bitterns.</p> <p>(viii) Other birds associated with coastal or wetland areas.</p> <p>(q) "Wetland-oriented mammals" means any of the following:</p> <p>(i) Muskrats.</p> <p>(ii) Mink.</p> <p>(iii) Beavers.</p> <p>(iv) Otter.</p> <p>(v) Other mammals associated with coastal or wetland habitats.</p> <p>(r) "Zone of active erosion" means the area of the shoreland where the disturbance or loss of soil and substrate has occurred with sufficient frequency to cause unstable slopes or prevent vegetation of the area.</p> <p>(2) The terms defined in the act have the same meanings when used in these rules.</p> <p>R 281.22 High-risk erosion areas.</p> <p>Rule 2.</p> <p>(1) Not less than 30 days before the designation of a high-risk erosion area, the department shall mail predesignation letters to the affected landowners of record as shown in the last assessment rolls.</p>	
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--

<p>rolls. The letters shall explain that the property is being considered for designation as a high-risk erosion area and shall invite comments from the affected landowners. The department shall schedule a meeting before the designation is made to explain the proposed designation to property owners and local governmental agencies.</p> <p>(2) The department shall designate a high-risk erosion area upon its finding that recession of the landward edge of the zone of active erosion has been occurring at an average annual rate of 1 foot or more per year, based on a minimum period of 15 years. Similar recession rates along a reach of shoreland shall be grouped and an average calculated for each reach. The designation shall contain the projected recession distance used to establish the setback line for any future permanent structure. The projected recession distance shall be based on a projected 30-year period of recession for small permanent structures and a projected 60-year period for large permanent structures. An additional 15 feet shall be included in the projected recession distance to provide protection from severe short-term erosion losses. This additional 15 feet shall replace, and not be in addition to, the 15 feet previously added due to recession rate variability. If this change results in an increase in the projected recession distance, it shall not be effective until the landowner</p>	<p>The letters shall explain that the property is being considered for designation as a high-risk erosion area and shall invite comments from the affected landowners. The department shall schedule a meeting before the designation is made to explain the proposed designation to property owners and local governmental agencies.</p> <p>(2) The department shall designate a high-risk erosion area upon its finding that recession of the landward edge of the zone of active erosion has been occurring at an average annual rate of 1 foot or more per year, based on a minimum period of 15 years. Similar recession rates along a reach of shoreland shall be grouped and an average calculated for each reach. The designation shall contain the projected recession distance used to establish the setback line for any future permanent structure. The projected recession distance shall be based on a projected 30-year period of recession for small permanent structures and a projected 60-year period for large permanent structures. An additional 15 feet shall be included in the projected recession distance to provide protection from severe short-term erosion losses. This additional 15 feet shall replace, and not be in addition to, the 15 feet previously added due to recession rate variability. If this change results in an increase in the projected recession distance, it shall not be effective until the landowner receives written notice.</p>	
-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--

<p>receives written notice.</p> <p>(3) In designating a high-risk erosion area, the department shall notify the landowner of record and the local government agency affected thereby. The notice of designation shall be delivered personally or sent, by certified mail, to the landowner of record at the address given in the last assessment roll.</p> <p>(4) The notice of designation to affected landowners and local governmental agencies shall include all of the following information:</p> <p>(a) The authority and reasons for the designation of high-risk erosion areas.</p> <p>(b) A description, graphic or otherwise, of the limits of the high-risk erosion area.</p> <p>(c) An explanation of any regulatory measures which may be required in the high-risk erosion area and the regulatory role of the local governmental agency.</p> <p>(d) The procedure by which the designation may be appealed.</p> <p>(5) The department shall consider additional high-risk erosion areas as may be proposed by local governmental agencies, citizens, or interested groups.</p> <p>(6) A high-risk erosion area designation may be removed or the projected recession distance</p>	<p>(3) In designating a high-risk erosion area, the department shall notify the landowner of record and the local government agency affected thereby. The notice of designation shall be delivered personally or sent, by certified mail, to the landowner of record at the address given in the last assessment roll.</p> <p>(4) The notice of designation to affected landowners and local governmental agencies shall include all of the following information:</p> <p>(a) The authority and reasons for the designation of high-risk erosion areas.</p> <p>(b) A description, graphic or otherwise, of the limits of the high-risk erosion area.</p> <p>(c) An explanation of any regulatory measures which may be required in the high-risk erosion area and the regulatory role of the local governmental agency.</p> <p>(d) The procedure by which the designation may be appealed.</p> <p>(5) The department shall consider additional high-risk erosion areas as may be proposed by local governmental agencies, citizens, or interested groups.</p> <p>(6) A high-risk erosion area designation may be removed or the projected recession distance may</p>	
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--

<p>may be modified on an individual parcel or parcels upon the presentation of topographic surveys, low-altitude, vertical, aerial photographs, or other documentation which the department can readily use to determine average annual recession rates. Upon department acceptance of the surveys, photographs, or other documentation as accurate, the department will determine an updated recession rate or rates for the affected parcel or parcels. If the updated data results in a modification of the recession rate or rates, consistent with the provisions of subrule (2) of this rule, the projected recession distance shall be modified or the designation shall be removed for the affected area within 60 days. Requests for modification can only be made once every 5 years or upon the sale of the property.</p> <p>(7) In the absence of an approved local ordinance enacted pursuant to the provisions of sections 7, 8, 9, and 10 of the act, any person or local governmental agency proposing to erect, install, move, or enlarge a permanent structure on a parcel, any portion of which is in a designated high-risk erosion area, shall submit a permit application to the department for its review. The permit application shall contain all of the following information:</p> <p>(a) A legal description of the property.</p> <p>(b) A description of the proposed</p>	<p>be modified on an individual parcel or parcels upon the presentation of topographic surveys, low-altitude, vertical, aerial photographs, or other documentation which the department can readily use to determine average annual recession rates. Upon department acceptance of the surveys, photographs, or other documentation as accurate, the department will determine an updated recession rate or rates for the affected parcel or parcels. If the updated data results in a modification of the recession rate or rates, consistent with the provisions of subrule (2) of this rule, the projected recession distance shall be modified or the designation shall be removed for the affected area within 60 days. Requests for modification can only be made once every 5 years or upon the sale of the property.</p> <p>(7) In the absence of an approved local ordinance enacted pursuant to the provisions of sections 7, 8, 9, and 10 of the act, any person or local governmental agency proposing to erect, install, move, or enlarge a permanent structure on a parcel, any portion of which is in a designated high-risk erosion area, shall submit a permit application to the department for its review. The permit application shall contain all of the following information:</p> <p>(a) A legal description of the property.</p> <p>(b) A description of the proposed</p>	
-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--

<p>permanent structure.</p> <p>(c) A sketch of the proposed site which shows the location of the proposed permanent structure in relation to the location of the property lines and prominent features.</p> <p>(d) The signature and address of the applicant.</p> <p>(8) A permit application to erect, install, or move a permanent structure in a designated high-risk erosion area shall be approved if the proposed permanent structure meets or exceeds all of the following requirements:</p> <p>(a) The proposed permanent structure or addition is landward of the setback line.</p> <p>(b) Small permanent structures that are erected, installed, or moved into the area between the setback line and a distance twice the required setback distance shall be readily moveable structures, except for those small permanent structures located on parcels which do not have access of sufficient width and acceptable grade to allow for relocation.</p> <p>(c) A permanent structure shall not be erected, installed, or moved lakeward of the setback line in a high-risk erosion area without a special exception, as provided by subrules (9) and (10) of this rule.</p> <p>(d) The proposed permanent structure meets the requirements</p>	<p>permanent structure.</p> <p>(c) A sketch of the proposed site which shows the location of the proposed permanent structure in relation to the location of the property lines and prominent features.</p> <p>(d) The signature and address of the applicant.</p> <p>(8) A permit application to erect, install, or move a permanent structure in a designated high-risk erosion area shall be approved if the proposed permanent structure meets or exceeds all of the following requirements:</p> <p>(a) The proposed permanent structure or addition is landward of the setback line.</p> <p>(b) Small permanent structures that are erected, installed, or moved into the area between the setback line and a distance twice the required setback distance shall be readily moveable structures, except for those small permanent structures located on parcels which do not have access of sufficient width and acceptable grade to allow for relocation.</p> <p>(c) A permanent structure shall not be erected, installed, or moved lakeward of the setback line in a high-risk erosion area without a special exception, as provided by subrules (9) and (10) of this rule.</p> <p>(d) The proposed permanent structure meets the requirements of</p>	
------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--

<p>of other applicable state laws, including the provisions of Act No. 222 of the Public Acts of 1976, as amended, being §281.651 et seq. of the Michigan Compiled Laws.</p> <p>(e) Review and approval of the structure design to ensure the building is a readily moveable structure shall be incorporated into the department permit process.</p> <p>(9) A special exception shall be granted and a portion of the required setback distance waived to erect, install, or move a small readily moveable structure lakeward of the setback line on a substandard parcel if all of the following provisions are complied with:</p> <p>(a) If a sanitary sewer is not used, the septic system, tile field, or other waste-handling facility shall be located at least as far landward as the lakeward edge of the building.</p> <p>(b) The readily moveable structure shall be located as far landward of the erosion hazard line as local zoning restrictions allow.</p> <p>(c) The readily moveable structure shall be designed and constructed in accordance with proper engineering standards and building moving restrictions applicable to the subject area. Review and approval of the design to ensure that the building is a readily moveable structure shall be incorporated into the</p>	<p>other applicable state laws, including the provisions of Act No. 222 of the Public Acts of 1976, as amended, being §281.651 et seq. of the Michigan Compiled Laws.</p> <p>(e) Review and approval of the structure design to ensure the building is a readily moveable structure shall be incorporated into the department permit process.</p> <p>(9) A special exception shall be granted and a portion of the required setback distance waived to erect, install, or move a small readily moveable structure lakeward of the setback line on a substandard parcel if all of the following provisions are complied with:</p> <p>(a) If a sanitary sewer is not used, the septic system, tile field, or other waste-handling facility shall be located at least as far landward as the lakeward edge of the building.</p> <p>(b) The readily moveable structure shall be located as far landward of the erosion hazard line as local zoning restrictions allow.</p> <p>(c) The readily moveable structure shall be designed and constructed in accordance with proper engineering standards and building moving restrictions applicable to the subject area. Review and approval of the design to ensure that the building is a readily moveable structure shall be incorporated into the department permit process.</p>	
-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--

<p>department permit process.</p> <p>(d) The readily moveable structure is not less than 30 feet landward of the erosion hazard line and is not located on a lakeward facing slope of 60% or more.</p> <p>(e) The readily moveable structure meets the requirements of other applicable state laws, including the provisions of Act No. 222 of the Public Acts of 1976, as amended, being §281.651 et seq. of the Michigan Compiled Laws.</p> <p>(10) If a substandard parcel does not have access to and from the structure site of sufficient width and acceptable grade to erect or move a readily moveable structure, or if the application is for a large permanent structure on a substandard parcel, a special exception shall be granted to utilize a shore protection structure in place of a portion of the required setback distance. The special exception shall be granted only if all of the following provisions are complied with:</p> <p>(a) If a sanitary sewer is not used, the septic system, tile field, or other waste-handling facility shall be located at least as far landward as the building.</p> <p>(b) The permanent structure shall be located as far landward of the erosion hazard line as local zoning restrictions allow and shall be located landward of the erosion hazard line.</p>	<p>(d) The readily moveable structure is not less than 30 feet landward of the erosion hazard line and is not located on a lakeward facing slope of 60% or more.</p> <p>(e) The readily moveable structure meets the requirements of other applicable state laws, including the provisions of Act No. 222 of the Public Acts of 1976, as amended, being §281.651 et seq. of the Michigan Compiled Laws.</p> <p>(10) If a substandard parcel does not have access to and from the structure site of sufficient width and acceptable grade to erect or move a readily moveable structure, or if the application is for a large permanent structure on a substandard parcel, a special exception shall be granted to utilize a shore protection structure in place of a portion of the required setback distance. The special exception shall be granted only if all of the following provisions are complied with:</p> <p>(a) If a sanitary sewer is not used, the septic system, tile field, or other waste-handling facility shall be located at least as far landward as the building.</p> <p>(b) The permanent structure shall be located as far landward of the erosion hazard line as local zoning restrictions allow and shall be located landward of the erosion hazard line.</p>	
---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--

<p>(c) The shore protection structure shall be designed to meet or exceed a 20-year storm event at the site for small permanent structures and a 50-year storm event at the site for large permanent structures and a professional engineer shall certify that the structure has been designed and will be constructed in accordance with these standards. If the structure is constructed in the waters of the Great Lakes or lies below the ordinary high watermark, a permit pursuant to the provisions of Act No. 247 of the Public Acts of 1955, as amended, being §322.701 et seq. of the Michigan Compiled Laws, shall be obtained for the shore protection structure.</p> <p>(d) The permanent structure shall be a minimum of 30 feet from the shore protection structure. If the bluff or dune is unstable due to height, slope, wind erosion, or groundwater seepage, the department may require a setback of more than 30 feet or an engineered bluff stabilization plan, or both. In areas of steep slopes, a greater setback may be necessary to provide access for maintenance equipment and a safe building site.</p> <p>(e) If the application is for a large permanent structure the department shall require compliance with both of the following provisions:</p> <p>(i) The establishment of an escrow account to maintain the approved shore protection</p>	<p>(c) The shore protection structure shall be designed to meet or exceed a 20-year storm event at the site for small permanent structures and a 50-year storm event at the site for large permanent structures and a professional engineer shall certify that the structure has been designed and will be constructed in accordance with these standards. If the structure is constructed in the waters of the Great Lakes or lies below the ordinary high watermark, a permit pursuant to the provisions of Act No. 247 of the Public Acts of 1955, as amended, being §322.701 et seq. of the Michigan Compiled Laws, shall be obtained for the shore protection structure.</p> <p>(d) The permanent structure shall be a minimum of 30 feet from the shore protection structure. If the bluff or dune is unstable due to height, slope, wind erosion, or groundwater seepage, the department may require a setback of more than 30 feet or an engineered bluff stabilization plan, or both. In areas of steep slopes, a greater setback may be necessary to provide access for maintenance equipment and a safe building site.</p> <p>(e) If the application is for a large permanent structure the department shall require compliance with both of the following provisions:</p> <p>(i) The establishment of an escrow account to maintain the approved shore protection structure or bluff</p>	
-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--

<p>structure or bluff stabilization, or both. The amount required in the escrow account shall be reasonable and based on the project design.</p> <p>(ii) Notice in the disclosure statement or deed that a portion of the required setback distance has been waived.</p> <p>(f) The proposed permanent structure meets the requirements of other applicable state laws, including the provisions of Act No. 222 of the Public Acts of 1976, being §281.651 et seq. of the Michigan Compiled Laws.</p> <p>(11) A special exception shall be granted, and a portion of the required setback distance waived, for the installation of an approved shore protection project if all of the following conditions are met:</p> <p>(a) A local agency is contractually responsible for the perpetual care of the shore protection structure. The responsibility will be defined in a written agreement between the department and the local agency. The local agency shall agree to perform maintenance or repairs to maintain the integrity of the shore protection. The local agency shall submit to the department a financial plan for maintaining the structure.</p> <p>(b) The shore protection structure is designed and constructed to meet or exceed a 50-year storm standard. The design and construction shall be certified by a professional engineer. If the</p>	<p>stabilization, or both. The amount required in the escrow account shall be reasonable and based on the project design.</p> <p>(ii) Notice in the disclosure statement or deed that a portion of the required setback distance has been waived.</p> <p>(f) The proposed permanent structure meets the requirements of other applicable state laws, including the provisions of Act No. 222 of the Public Acts of 1976, being §281.651 et seq. of the Michigan Compiled Laws.</p> <p>(11) A special exception shall be granted, and a portion of the required setback distance waived, for the installation of an approved shore protection project if all of the following conditions are met:</p> <p>(a) A local agency is contractually responsible for the perpetual care of the shore protection structure. The responsibility will be defined in a written agreement between the department and the local agency. The local agency shall agree to perform maintenance or repairs to maintain the integrity of the shore protection. The local agency shall submit to the department a financial plan for maintaining the structure.</p> <p>(b) The shore protection structure is designed and constructed to meet or exceed a 50-year storm standard. The design and construction shall be certified by a professional engineer. If the</p>	
-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--

<p>structure is constructed in the waters of the Great Lakes or lies below the ordinary high watermark, a permit pursuant to the provisions of Act No. 247 of the Public Acts of 1955, as amended, being §322.701 et seq. of the Michigan Compiled Laws, shall be obtained for the shore protection structure.</p> <p>(c) A favorable finding is made by the local agency, with input by the department, that a greater public good exists to support the use of a shore protection structure rather than a natural shoreline in terms of all of the following:</p> <p>(i) The preservation of fish and wildlife habitat.</p> <p>(ii) The value to the entire community of a natural shoreline as opposed to the value to the entire community of additional development that is made possible by the shore protection.</p> <p>(iii) The impact of the loss of sand movement along the shoreline.</p> <p>(iv) The impact on erosion of land in the immediate area of the shore protection structure. Before making the finding, the local agency shall hold a public hearing. Notice shall be sent to all riparians within 300 feet of the proposed shore protection structure and to the department.</p> <p>(d) A favorable finding is made by the department that a greater public good exists to support the use of a shore protection structure</p>	<p>structure is constructed in the waters of the Great Lakes or lies below the ordinary high watermark, a permit pursuant to the provisions of Act No. 247 of the Public Acts of 1955, as amended, being §322.701 et seq. of the Michigan Compiled Laws, shall be obtained for the shore protection structure.</p> <p>(c) A favorable finding is made by the local agency, with input by the department, that a greater public good exists to support the use of a shore protection structure rather than a natural shoreline in terms of all of the following:</p> <p>(i) The preservation of fish and wildlife habitat.</p> <p>(ii) The value to the entire community of a natural shoreline as opposed to the value to the entire community of additional development that is made possible by the shore protection.</p> <p>(iii) The impact of the loss of sand movement along the shoreline.</p> <p>(iv) The impact on erosion of land in the immediate area of the shore protection structure. Before making the finding, the local agency shall hold a public hearing. Notice shall be sent to all riparians within 300 feet of the proposed shore protection structure and to the department.</p> <p>(d) A favorable finding is made by the department that a greater public good exists to support the use of a shore protection structure rather</p>	
---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--

<p>rather than a natural shoreline in terms of all of the following:</p> <p>(i) The preservation of fish and wildlife habitat.</p> <p>(ii) Protection of the public trust.</p> <p>(iii) The impact of the loss of sand movement along the shoreline.</p> <p>(iv) The impact on the erosion of land in the immediate area of the shore protection structure.</p> <p>(e) There is a minimum of 30 feet from the shore protection to any permanent structure. If the bluff or dune is unstable due to height, slope, wind erosion, or groundwater seepage, the department may require a setback of more than 30 feet or an engineered bluff or dune stabilization plan, or both. In areas of steep slopes, a greater setback may be necessary to provide access for maintenance equipment and a safe building site. If the parcel has existing permanent structures which are less than 30 feet from the proposed shore protection, there shall be sufficient access to permit the maintenance and repair of the shore protection.</p> <p>(f) Shore protection is already a common feature of the shoreline lying within 1,000 feet of the proposed shore protection structure.</p> <p>(12) A permit application to make an addition to an existing permanent structure in a</p>	<p>than a natural shoreline in terms of all of the following:</p> <p>(i) The preservation of fish and wildlife habitat.</p> <p>(ii) Protection of the public trust.</p> <p>(iii) The impact of the loss of sand movement along the shoreline.</p> <p>(iv) The impact on the erosion of land in the immediate area of the shore protection structure.</p> <p>(e) There is a minimum of 30 feet from the shore protection to any permanent structure. If the bluff or dune is unstable due to height, slope, wind erosion, or groundwater seepage, the department may require a setback of more than 30 feet or an engineered bluff or dune stabilization plan, or both. In areas of steep slopes, a greater setback may be necessary to provide access for maintenance equipment and a safe building site. If the parcel has existing permanent structures which are less than 30 feet from the proposed shore protection, there shall be sufficient access to permit the maintenance and repair of the shore protection.</p> <p>(f) Shore protection is already a common feature of the shoreline lying within 1,000 feet of the proposed shore protection structure.</p> <p>(12) A permit application to make an addition to an existing permanent structure in a</p>	
-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--

<p>designated high-risk erosion area shall be approved if the addition meets or exceeds the required setback distance.</p> <p>(13) A permit application to make an addition to an existing readily moveable structure which is not in compliance with the required setback distance of a designated high-risk erosion area shall be approved if all of the following provisions are complied with:</p> <p>(a) The existing building with the addition will meet the definition of a readily moveable structure.</p> <p>(b) The proposed addition does not reduce the permanent structure's distance from the erosion hazard line.</p> <p>(c) On low bluffs, the proposed addition is not less than 20 feet landward of the erosion hazard line.</p> <p>(d) On high bluffs, the existing permanent structure and the proposed addition are not less than 30 feet landward of the erosion hazard line.</p> <p>(14) An application to make an addition to an existing small nonconforming permanent structure which is not a readily moveable structure shall be approved if, at the date of construction, the provisions of either subdivision (a) or (b) of this subrule and the provisions of either subdivision (c) or (d) of this subrule are complied with as follows:</p>	<p>designated high-risk erosion area shall be approved if the addition meets or exceeds the required setback distance.</p> <p>(13) A permit application to make an addition to an existing readily moveable structure which is not in compliance with the required setback distance of a designated high-risk erosion area shall be approved if all of the following provisions are complied with:</p> <p>(a) The existing building with the addition will meet the definition of a readily moveable structure.</p> <p>(b) The proposed addition does not reduce the permanent structure's distance from the erosion hazard line.</p> <p>(c) On low bluffs, the proposed addition is not less than 20 feet landward of the erosion hazard line.</p> <p>(d) On high bluffs, the existing permanent structure and the proposed addition are not less than 30 feet landward of the erosion hazard line.</p> <p>(14) An application to make an addition to an existing small nonconforming permanent structure which is not a readily moveable structure shall be approved if, at the date of construction, the provisions of either subdivision (a) or (b) of this subrule and the provisions of either subdivision (c) or (d) of this subrule are complied with as follows:</p>	
-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--

<p>(a) The total of all floor space added shall not exceed 25% of the foundation size of the permanent structure. The foundation size shall be determined as of the time the permanent structure became nonconforming. When the 25% limit on additions has been reached, no further additions can be made for the remaining life of the structure. The addition shall not reduce the permanent structure's distance from the erosion hazard line.</p> <p>(b) The addition shall meet the definition of a readily moveable structure and the addition shall be on the landward side of the original permanent structure. A permit may only be issued if the property owner, as a condition for permit, agrees to relocate the readily moveable portion of the permanent structure to a location landward of the setback line when so ordered by the department. The department may make such an order only when the foundation of the existing structure is undermined by erosion.</p> <p>(c) On low bluffs, the proposed addition is not less than 20 feet landward of the erosion hazard line.</p> <p>(d) On high bluffs, the existing small permanent structure and the addition are not less than 30 feet landward of the erosion hazard line.</p> <p>(15) If a nonconforming structure</p>	<p>(a) The total of all floor space added shall not exceed 25% of the foundation size of the permanent structure. The foundation size shall be determined as of the time the permanent structure became nonconforming. When the 25% limit on additions has been reached, no further additions can be made for the remaining life of the structure. The addition shall not reduce the permanent structure's distance from the erosion hazard line.</p> <p>(b) The addition shall meet the definition of a readily moveable structure and the addition shall be on the landward side of the original permanent structure. A permit may only be issued if the property owner, as a condition for permit, agrees to relocate the readily moveable portion of the permanent structure to a location landward of the setback line when so ordered by the department. The department may make such an order only when the foundation of the existing structure is undermined by erosion.</p> <p>(c) On low bluffs, the proposed addition is not less than 20 feet landward of the erosion hazard line.</p> <p>(d) On high bluffs, the existing small permanent structure and the addition are not less than 30 feet landward of the erosion hazard line.</p> <p>(15) If a nonconforming structure</p>	
------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--

<p>deteriorates or becomes damaged, it may be restored to its condition before the deterioration or damage if the repair cost is not more than 60% of the replacement value. If the cost of restoring the nonconforming structure is more than 60%, but less than 100%, of its replacement value, it may be reconstructed if all of the following conditions are met:</p> <p>(a) The permanent structure was damaged by a force other than erosion.</p> <p>(b) The permanent structure, if rebuilt in its existing location, would be not less than 20 feet landward of the erosion hazard line.</p> <p>(c) The reconstructed building would be a readily moveable structure. If the building is 100% destroyed or declared a total loss for insurance purposes, the requirements for new permanent structures shall apply.</p> <p>(16) If a permanent structure is relocated, all construction materials, including foundations, shall be removed or properly disposed of as a part of the moving operation.</p> <p>(17) After the effective date of these rules, the slope and height of the dune or bluff shall not be artificially altered to affect the setback requirement under these rules unless the alteration is in compliance with a permit issued pursuant to the provisions of Act</p>	<p>deteriorates or becomes damaged, it may be restored to its condition before the deterioration or damage if the repair cost is not more than 60% of the replacement value. If the cost of restoring the nonconforming structure is more than 60%, but less than 100%, of its replacement value, it may be reconstructed if all of the following conditions are met:</p> <p>(a) The permanent structure was damaged by a force other than erosion.</p> <p>(b) The permanent structure, if rebuilt in its existing location, would be not less than 20 feet landward of the erosion hazard line.</p> <p>(c) The reconstructed building would be a readily moveable structure. If the building is 100% destroyed or declared a total loss for insurance purposes, the requirements for new permanent structures shall apply.</p> <p>(16) If a permanent structure is relocated, all construction materials, including foundations, shall be removed or properly disposed of as a part of the moving operation.</p> <p>(17) After the effective date of these rules, the slope and height of the dune or bluff shall not be artificially altered to affect the setback requirement under these rules unless the alteration is in compliance with a permit issued pursuant to the provisions of Act</p>	
------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--

<p>No. 347 of the Public Acts of 1972, as amended, being §281.101 et seq. of the Michigan Compiled Laws, and Act No. 247 of the Public Acts of 1955, as amended, being §322.701 et seq. of the Michigan Compiled Laws, if the alteration or fill extends into the waters of the Great Lakes or below the ordinary high watermark elevation.</p> <p>(18) Not more than 60 days after receipt of a complete permit application, the department shall send notice of its approval or disapproval to the applicant. The reasons for disapproval shall be stated and sent by certified mail. A permit application which does not require field investigation shall be processed within 20 days.</p> <p>(19) Approval of a permit does not exempt the applicant from complying with other statutes, ordinances, or rules and regulations.</p> <p>(20) Any aggrieved party who contests the designation of a high-risk erosion area, the disapproval of a permit application, or the increase in a projected recession distance shall be granted a hearing if a petition is filed with the department not more than 60 days after the designation letter, the notice of disapproval, or the notice of increase in projected recession distance is sent. Such petition shall be sent to the director of the Department of Natural Resources, P.O. Box 30028, Lansing, Michigan 48909. The hearing</p>	<p>No. 347 of the Public Acts of 1972, as amended, being §281.101 et seq. of the Michigan Compiled Laws, and Act No. 247 of the Public Acts of 1955, as amended, being §322.701 et seq. of the Michigan Compiled Laws, if the alteration or fill extends into the waters of the Great Lakes or below the ordinary high watermark elevation.</p> <p>(18) Not more than 60 days after receipt of a complete permit application, the department shall send notice of its approval or disapproval to the applicant. The reasons for disapproval shall be stated and sent by certified mail. A permit application which does not require field investigation shall be processed within 20 days.</p> <p>(19) Approval of a permit does not exempt the applicant from complying with other statutes, ordinances, or rules and regulations.</p> <p>(20) Any aggrieved party who contests the designation of a high-risk erosion area, the disapproval of a permit application, or the increase in a projected recession distance shall be granted a hearing if a petition is filed with the department not more than 60 days after the designation letter, the notice of disapproval, or the notice of increase in projected recession distance is sent. Such petition shall be sent to the director of the Department of Natural Resources, P.O. Box 30028, Lansing, Michigan 48909. The hearing shall be conducted in accordance with the</p>	
-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--

<p>shall be conducted in accordance with the provisions of Act No. 306 of the Public Acts of 1969, as amended, being §24.201 et seq. of the Michigan Compiled Laws.</p> <p>(21) The landowner of record and the local governmental agency shall be sent a notice, by certified mail, if the high-risk erosion area designation is removed.</p> <p>(22) The department shall update shoreland recession studies every 10 years to reflect varying lake levels and changes in erosion rates. Areas of the shoreland having updated long-term recession rates below one foot per year shall have the high-risk erosion area designation removed by the department. The department shall notify affected property owners and local units of government of changes in projected recession distances as a result of updated information. Notifications to property owners shall be sent by certified mail to the address listed in the last tax assessment roll.</p> <p>(23) If the local unit of government has an approved ordinance enacted pursuant to the provisions of section 7, 8, 9, or 10 of the act, a period of 1 year from notification by the department of any change in setback requirements shall be provided to permit the local unit to amend the ordinance to meet the revised setback requirements.</p> <p>(24) If the department determines that the requirements set forth in</p>	<p>provisions of Act No. 306 of the Public Acts of 1969, as amended, being §24.201 et seq. of the Michigan Compiled Laws.</p> <p>(21) The landowner of record and the local governmental agency shall be sent a notice, by certified mail, if the high-risk erosion area designation is removed.</p> <p>(22) The department shall update shoreland recession studies every 10 years to reflect varying lake levels and changes in erosion rates. Areas of the shoreland having updated long-term recession rates below one foot per year shall have the high-risk erosion area designation removed by the department. The department shall notify affected property owners and local units of government of changes in projected recession distances as a result of updated information. Notifications to property owners shall be sent by certified mail to the address listed in the last tax assessment roll.</p> <p>(23) If the local unit of government has an approved ordinance enacted pursuant to the provisions of section 7, 8, 9, or 10 of the act, a period of 1 year from notification by the department of any change in setback requirements shall be provided to permit the local unit to amend the ordinance to meet the revised setback requirements.</p> <p>(24) If the department determines that the requirements set forth in</p>	
----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--

<p>these rules are not being upheld by a local unit of government which has an approved ordinance, the department shall contact the local agency to identify, discuss and attempt to resolve any problems. If the problem cannot be informally resolved, the department shall then notify the community, in writing, of its determination. The notice shall contain the specific reasons why the department believes the local unit of government has not upheld the approved ordinance. The local unit of government shall be provided a period of 60 days to respond to the department. If the department further determines that the local unit of government has not made sufficient changes to its ordinance administration or otherwise explained its actions, the department shall withdraw its approval and resume its high-risk erosion area permitting authority within the jurisdiction.</p> <p>(25) The setbacks established by the department shall not be construed as limiting local units of government from establishing larger setbacks.</p> <p>(26) All high-risk erosion area designations in existence on the effective date of these rules shall remain in full force and effect.</p> <p>R 281.23 Environmental areas.</p> <p>Rule 3.</p> <p>(1) In determining whether an</p>	<p>these rules are not being upheld by a local unit of government which has an approved ordinance, the department shall contact the local agency to identify, discuss and attempt to resolve any problems. If the problem cannot be informally resolved, the department shall then notify the community, in writing, of its determination. The notice shall contain the specific reasons why the department believes the local unit of government has not upheld the approved ordinance. The local unit of government shall be provided a period of 60 days to respond to the department. If the department further determines that the local unit of government has not made sufficient changes to its ordinance administration or otherwise explained its actions, the department shall withdraw its approval and resume its high-risk erosion area permitting authority within the jurisdiction.</p> <p>(25) The setbacks established by the department shall not be construed as limiting local units of government from establishing larger setbacks.</p> <p>(26) All high-risk erosion area designations in existence on the effective date of these rules shall remain in full force and effect.</p> <p>R 281.23 Environmental areas.</p> <p>Rule 3.</p> <p>(1) In determining whether an area</p>	
-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--

<p>area is necessary for the preservation and maintenance of fish, all of the following uses shall be considered:</p> <p>(a) Spawning, which is the placement and fertilization of eggs by fish for the propagation of young.</p> <p>(b) Nursery, which is the utilization of an area by young fish as a sheltered habitat in which to feed and grow.</p> <p>(c) Feeding, which is the process of obtaining and ingesting plant or animal matter necessary for maintaining growth and life functions.</p> <p>(d) Protection, which is the utilization of an area as escape cover from predators or unsuitable environmental conditions.</p> <p>(e) Migration, which is a daily or seasonal movement.</p> <p>(2) In determining whether an area is necessary for the preservation and maintenance of wildlife, all of the following uses by wetland-oriented birds and wetland-oriented mammals shall be considered:</p> <p>(a) Breeding, which is the process of courting, pairing, and mating.</p> <p>(b) Nesting, which is the process of laying, incubating, and hatching eggs.</p> <p>(c) Rearing of young, which is the</p>	<p>is necessary for the preservation and maintenance of fish, all of the following uses shall be considered:</p> <p>(a) Spawning, which is the placement and fertilization of eggs by fish for the propagation of young <u>fish</u>.</p> <p>(b) Nursery, which is the utilization of an area by young fish as a sheltered habitat in which to feed and grow.</p> <p>(c) Feeding, which is the process of obtaining and ingesting plant or animal matter necessary for maintaining growth and life functions.</p> <p>(d) Protection, which is the utilization of an area as escape cover from predators or unsuitable environmental conditions.</p> <p>(e) Migration, which is a daily or seasonal movement.</p> <p>(2) In determining whether an area is necessary for the preservation and maintenance of wildlife, all of the following uses by wetland-oriented birds and wetland-oriented mammals shall be considered:</p> <p>(a) Breeding, which is the process of courting, pairing, and mating.</p> <p>(b) Nesting, which is the process of laying, incubating, and hatching eggs.</p> <p>(c) Rearing of young, which is the</p>	<p>Non-Substantive. Editorial changes.</p>
----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------

<p>feeding and protection of young.</p> <p>(d) Feeding, which is the process of obtaining and ingesting plant or animal matter necessary for maintaining growth and life functions.</p> <p>(e) Resting, which is a period of inactivity in the daily routine or seasonal migration.</p> <p>(3) Not less than 30 days before designation of environmental areas, the department shall mail predesignation letters to affected landowners of record as shown in the last assessment rolls. The letter shall explain that the property is being considered for designation as an environmental area and shall invite comments from the affected landowners. The department shall schedule a meeting before designation to explain the proposed designation to property owners and local governmental agencies.</p> <p>(4) The department shall designate environmental areas determined to be necessary for the preservation and maintenance of fish or wildlife, or both. The notice of designation shall be delivered personally or sent by certified mail to the landowner of record at the address given in the last assessment roll and to the local governmental agency.</p> <p>(5) The notice of designation to affected landowners and local governmental agencies shall include all of the following information:</p>	<p>feeding and protection of young.</p> <p>(d) Feeding, which is the process of obtaining and ingesting plant or animal matter necessary for maintaining growth and life functions.</p> <p>(e) Resting, which is a period of inactivity in the daily routine or seasonal migration.</p> <p>(3) Not less than 30 days before designation of environmental areas, the department shall mail predesignation letters to affected landowners of record as shown in the last assessment rolls. The letter shall explain that the property is being considered for designation as an environmental area and shall invite comments from the affected landowners. The department shall schedule a meeting before designation to explain the proposed designation to property owners and local governmental agencies.</p> <p>(4) The department shall designate environmental areas determined to be necessary for the preservation and maintenance of fish or wildlife, or both. The <u>department shall personally deliver the</u> notice of designation or <u>send it</u> by certified mail to the landowner of record at the address given in the last assessment roll and to the local governmental agency.</p> <p>(5) The notice of designation to affected landowners and local governmental agencies shall include all of the following information:</p>	<p>Non-Substantive. Editorial changes.</p>
-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------

<p>(a) The authority and reasons for designation of environmental areas.</p> <p>(b) A description, graphic, or otherwise, of the limits of the environmental area.</p> <p>(c) An explanation of any regulatory measures which may be required in environmental areas and the regulatory role of the local governmental agency.</p> <p>(d) The procedure by which the designation may be appealed.</p> <p>(6) The following shoreland uses in an environmental area shall require a permit from the department in accordance with these rules or from a local governmental agency pursuant to an ordinance approved by the department:</p> <p>(a) Dredging, filling, grading, or other alterations of the soil.</p> <p>(b) Alteration of natural drainage, but not including the reasonable care and maintenance of established drainage improvement works. A permit is not required for maintenance of existing dikes.</p> <p>(c) Alteration of vegetation utilized by fish or wildlife, or both, for the uses covered in subrules (1) and (2) of this rule. Timber harvest shall not require a permit, unless it involves an</p>	<p>(a) The authority and reasons for designation of environmental areas.</p> <p>(b) A description or <u>map</u> of the limits of the environmental area.</p> <p>(c) An explanation of any regulatory measures <u>that</u> may be required in environmental areas and the regulatory role of the local governmental agency.</p> <p>(d) The procedure by which the designation may be appealed.</p> <p>(6) The following shoreland uses in an environmental area require a permit from the department in accordance with these rules or from a local governmental agency <u>under</u> an ordinance approved by the department:</p> <p>(a) Dredging, filling, grading, or other alterations of the soil.</p> <p>(b) Alteration of natural drainage, but not including the reasonable care and maintenance of established drainage improvement works. A permit is not required for maintenance of existing dikes.</p> <p>(c) Alteration of vegetation utilized by fish or wildlife, or both, for the uses covered in subrules (1) and (2) of this rule. <u>A permit may be issued if the department finds that the alteration of vegetation is</u></p>	<p>Non-Substantive. Editorial changes. Language revised to clarify that the department may include a map in lieu of a description, “graphic or otherwise” of the environmental area limits.</p> <p>Non-Substantive. Editorial changes.</p> <p>Non-Substantive. Editorial changes.</p> <p>(6) Substantive. Permit exemption for timber harvest under certain conditions</p>
------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

<p>identified colonial bird nesting area, such as a heron rookery.</p>	<p><u>dependent upon being located in an environmental area, no other feasible and prudent alternatives exist, and that the alteration will not adversely impact essential fish or wildlife habitat. A permit is not required for the following:</u></p> <p><u>(i) The removal of tree branches that threaten existing permanent structures or public safety.</u></p> <p><u>(ii) The pruning of trees that have a diameter at breast height of 3 inches or more for a view of a Great Lake if the area being pruned does not exceed 40 feet in width and 10 feet above ground level.</u></p> <p><u>(iii) Maintenance of previously permitted trails and boardwalks through environmental areas. Maintenance is limited to the trail or boardwalk surface to a height of 10 feet above the ground.</u></p>	<p>removed.</p> <p>(7) Substantive. Department given discretionary authority to issue permit for alteration of vegetation if specific conditions met.</p> <p>(8) Substantive. Permit exemption provided for removal of tree branches that pose a hazard or obstruct certain views, and limited maintenance of previously-permitted trails and boardwalks.</p>
<p>(d) Placement of permanent structures.</p> <p>(7) Farming of lands within the environmental area is allowed without a permit if all of the following provisions are complied with:</p> <p>(a) Artificial draining, diking, dredging, or filling is not used.</p> <p>(b) The natural contour of the land is not altered.</p> <p>(c) Only normal farming implements and generally accepted agricultural practices are used.</p>	<p>(d) The placement of permanent structures.</p> <p>(7) Farming of lands within the environmental area is allowed without a permit if all of the following provisions are complied with:</p> <p>(a) Artificial draining, diking, dredging, or filling is not used.</p> <p>(b) The natural contour of the land is not altered.</p> <p>(c) Only normal farming implements and generally accepted agricultural practices are used.</p>	

<p>(d) The environmental area is utilized by a person who is engaged in the business of farming, and the land is to be used for the production and harvesting of agricultural products.</p>	<p>(d) The environmental area is utilized by a person who is engaged in the business of farming, and the land is to be used for the production and harvesting of agricultural products.</p>	
<p>(8) Pumping of water into an environmental area is allowed without a permit.</p>	<p>(8) <u>The</u> pumping of water into an environmental area is allowed without a permit.</p>	<p>Non-Substantive. Editorial changes.</p>
<p>(9) A structure zone not to exceed 12,000 square feet shall be delineated for all parcels of land which are totally included within the boundaries of an environmental area at the time of designation. If a parcel has less than 12,000 square feet of land outside the boundaries of the environmental area, a structure zone shall be delineated which, in conjunction with the land outside the environmental area, shall total 12,000 square feet. Use of a structure zone is subject to all other statutes, ordinances, and rules and regulations.</p>	<p>(9) A structure zone <u>that is not more than</u> 12,000 square feet shall be delineated for all parcels of land which are totally included within the boundaries of an environmental area at the time of designation. <u>Structure zones will typically be located adjacent to or in proximity to existing roadways, within upland ridges or previously disturbed areas, and to minimize human disturbance to surrounding fish and wildlife habitat. The structure zone shall be configured to minimize fragmentation of the environmental areas.</u> If a parcel has less than 12,000 square feet of land outside the environmental area, <u>then</u> a structure zone shall be delineated which, in conjunction with the land outside the environmental area, shall total 12,000 square feet. Use of a structure zone is subject to all other statutes, ordinances, and rules and regulations.</p>	<p>Non-Substantive. Editorial changes.</p> <p>(9) Substantive. Requirements added directing the location and configuration of structure zones.</p>
<p>(10) The department shall consider additional environmental areas as may be proposed by local governmental agencies, citizens, or interested groups.</p>	<p>(10) The department shall consider additional environmental areas as may be proposed by local governmental agencies, citizens, or interested groups.</p>	
<p>(11) In the absence of an</p>	<p>(11) In the absence of an approved</p>	

<p>approved zoning ordinance enacted pursuant to sections 7, 8, 9, and 10 of the act, any person or local governmental agency proposing 4 of the uses regulated in subrule (6) of this rule outside the structure zone or proposing a change in the location of a structure zone shall submit to the department a permit application for the proposed use. The permit application shall contain all of the following:</p> <p>(a) A legal description of the property.</p> <p>(b) A drawing of the site with the proposed project clearly shown.</p> <p>(c) A detailed description of the proposed project.</p> <p>(d) The signature and address of the applicant.</p> <p>(12) A permit application, as described in subrule (11) of this rule, shall be approved if both of the following conditions are satisfied:</p> <p>(a) The adverse effects to the uses described in subrules (1) and (2) of this rule are minimal and are mitigated to the maximum extent feasible.</p> <p>(b) A feasible and prudent alternative to the proposed plan is not available.</p> <p>(13) Not more than 60 days after receipt of a permit application, the department shall send to the applicant, by certified mail, a</p>	<p>zoning ordinance enacted <u>under</u> sections 7, 8, 9, and 10 of the act, any person or local governmental agency proposing <u>one</u> of the uses regulated in subrule (6) of this rule outside the structure zone or proposing a change in the location of a structure zone shall submit to the department a permit application for the proposed use. The permit application shall contain all of the following:</p> <p>(a) A legal description of the property.</p> <p>(b) A drawing of the site with the proposed project clearly shown.</p> <p>(c) A detailed description of the proposed project.</p> <p>(d) The signature and address of the applicant.</p> <p>(12) A permit application, as described in subrule (11) of this rule, shall be approved if both of the following conditions are satisfied:</p> <p>(a) The adverse effects to the uses described in subrules (1) and (2) of this rule are minimal and are mitigated to the maximum extent feasible.</p> <p>(b) A feasible and prudent alternative to the proposed plan is not available.</p> <p>(13) Not more than 60 days after receipt of a permit application, the department shall send to the applicant, by certified mail, a notice</p>	<p>Non-Substantive. Editorial changes.</p>
----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------

<p>notice of its approval or disapproval. In case of disapproval, the reasons therefor shall be stated. A permit application which does not require field investigation shall be processed within 20 days.</p>	<p>of its approval or disapproval. In case of disapproval, the <u>department shall state the reasons for disapproval. The department shall process a permit application that</u> does not require field investigation within 20 days.</p>	<p>Non-Substantive. Editorial changes.</p>
<p>(14) Approval of a permit does not exempt the applicant from complying with other statutes, ordinances, and rules and regulations.</p>	<p>(14) Approval of a permit does not exempt the applicant from complying with other statutes, ordinances, and rules and regulations.</p>	
<p>(15) Any aggrieved party that contests the designation of an environmental area or the disapproval of a permit application shall be granted a hearing if a petition is filed with the department not more than 60 days after the designation letter or the notice of disapproval is sent. Such petition shall be sent to the director of the Department of Natural Resources, P.O. Box 30028, Lansing, Michigan 48909. The hearing shall be conducted in accordance with sections 71 to 87 of Act No. 306 of the Public Acts of 1969, as amended, being §§24.271 to 24.287 of the Michigan Compiled Laws, and R 299.3071 to R 299.3081 of the Michigan Administrative Code.</p>	<p>(15) Any aggrieved party that contests the designation of an environmental area or the disapproval of a permit application shall be granted a hearing if <u>the party files a petition</u> with the department not more than 60 days after the designation letter or the notice of disapproval is sent. <u>The party shall send the</u> petition to the director of the Department of <u>Environmental Quality</u>, P.O. <u>BOX 30458</u>, Lansing, Michigan 48909-7958. <u>The department shall conduct the</u> hearing in accordance with sections 71 to 87 of Act No. 306 of the Public Acts of 1969, as amended, being §24.271 to 24.287 of the Michigan Compiled Laws, and R 299.3071 to R 299.3081 of the Michigan Administrative Code.</p>	<p>Non-Substantive. Editorial changes.</p> <p>(10) Substantive. Address for mailing petitions changed.</p>
<p>(16) The landowner of record and the local governmental agency shall be sent a notice by certified mail if the environmental area designation is removed.</p>	<p>(16) The <u>department shall send the</u> landowner of record and the local governmental agency a notice by certified mail if the environmental area designation is removed.</p>	<p>Non-Substantive. Editorial changes.</p>
<p>(17) All environmental area designations in existence on the effective date of these rules shall remain in full force and effect.</p>	<p>(17) All environmental area designations in existence on the effective date of these rules shall remain in full force and effect.</p>	

<p>R 281.24 Flood risk areas.</p> <p>Rule 4.</p> <p>(1) Any area which is within the 100-year floodplain of a Great Lake or a connecting waterway, as identified in any of the approved floodplain delineation studies set forth in this subrule, is designated as a flood risk area. The following floodplain delineation studies are adopted in these rules by reference:</p> <p>(a) Flood insurance study, city of Algonac, Michigan, St. Clair county, United States department of housing and urban development, federal insurance administration, April, 1977.</p> <p>(b) Flood insurance study, township of Bangor, Michigan, Bay county, United States department of housing and urban development, federal insurance administration, January, 1979.</p> <p>(c) Flood insurance study, township of Berlin, Michigan, Monroe county, federal emergency management agency, federal insurance administration, May 3, 1982.</p> <p>(d) Flood insurance study, charter township of Brownstown, Michigan, Wayne county, federal emergency management agency, federal insurance administration, February 16, 1982.</p> <p>(e) Flood insurance study, township of Caseville, Michigan,</p>	<p>R 281.24 Flood risk areas.</p> <p>Rule 4.</p> <p>(1) Any area which is within the 100-year floodplain of a Great Lake or a connecting waterway, as identified in any of the approved floodplain delineation studies set forth in this subrule, is designated as a flood risk area. The following floodplain delineation studies are adopted in these rules by reference:</p> <p>(a) Flood insurance study, city of Algonac, Michigan, St. Clair county, United States department of housing and urban development, federal insurance administration, April, 1977.</p> <p>(b) Flood insurance study, township of Bangor, Michigan, Bay county, United States department of housing and urban development, federal insurance administration, January, 1979.</p> <p>(c) Flood insurance study, township of Berlin, Michigan, Monroe county, federal emergency management agency, federal insurance administration, May 3, 1982.</p> <p>(d) Flood insurance study, charter township of Brownstown, Michigan, Wayne county, federal emergency management agency, federal insurance administration, February 16, 1982.</p> <p>(e) Flood insurance study, township of Caseville, Michigan, Huron</p>	
---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--

<p>Huron county, United States department of housing and urban development, federal insurance administration, February, 1977.</p>	<p>county, United States department of housing and urban development, federal insurance administration, February, 1977.</p>	
<p>(f) Flood insurance study, township of Chesterfield, Michigan, Macomb county, United States department of housing and urban development, federal insurance administration, January, 1978.</p>	<p>(f) Flood insurance study, township of Chesterfield, Michigan, Macomb county, United States department of housing and urban development, federal insurance administration, January, 1978.</p>	
<p>(g) Flood insurance study, township of Clay, Michigan, St. Clair county, United States department of housing and urban development, federal insurance administration, June, 1978.</p>	<p>(g) Flood insurance study, township of Clay, Michigan, St. Clair county, United States department of housing and urban development, federal insurance administration, June, 1978.</p>	
<p>(h) Flood insurance study, township of East China, Michigan, St. Clair county, United States department of housing and urban development, federal insurance administration, January, 1978.</p>	<p>(h) Flood insurance study, township of East China, Michigan, St. Clair county, United States department of housing and urban development, federal insurance administration, January, 1978.</p>	
<p>(i) Flood insurance study, city of East Tawas, Michigan, Iosco county, United States department of housing and urban development, federal insurance administration, September, 1977.</p>	<p>(i) Flood insurance study, city of East Tawas, Michigan, Iosco county, United States department of housing and urban development, federal insurance administration, September, 1977.</p>	
<p>(j) Flood insurance study, township of Erie, Michigan, Monroe county, United States department of housing and urban development, federal insurance administration, March, 1978.</p>	<p>(j) Flood insurance study, township of Erie, Michigan, Monroe county, United States department of housing and urban development, federal insurance administration, March, 1978.</p>	
<p>(k) Flood insurance study, city of Escanaba, Michigan, Delta county, United States department of housing and urban development, federal insurance</p>	<p>(k) Flood insurance study, city of Escanaba, Michigan, Delta county, United States department of housing and urban development, federal insurance administration,</p>	

<p>administration, September, 1977.</p> <p>(l) Flood insurance study, village of Estral Beach, Michigan, Monroe county, federal emergency management agency, federal insurance administration, May 2, 1983.</p> <p>(m) Flood insurance study, township of Ford River, Michigan, Delta county, United States department of housing and urban development, federal insurance administration, June, 1977.</p> <p>(n) Flood insurance study, township of Fort Gratiot, Michigan, St. Clair county, United States department of housing and urban development, federal insurance administration, June, 1978.</p> <p>(o) Flood insurance study, township of Fraser, Michigan, Bay county, federal emergency management agency, federal insurance administration, September, 1979.</p> <p>(p) Flood insurance study, township of Frenchtown, Michigan, Monroe county, United States department of housing and urban development, federal insurance administration, March, 1977.</p> <p>(q) Flood insurance study, city of Gibraltar, Michigan, Wayne county, United States department of housing and urban development, federal insurance administration, December, 1978.</p>	<p>September, 1977.</p> <p>(l) Flood insurance study, village of Estral Beach, Michigan, Monroe county, federal emergency management agency, federal insurance administration, May 2, 1983.</p> <p>(m) Flood insurance study, township of Ford River, Michigan, Delta county, United States department of housing and urban development, federal insurance administration, June, 1977.</p> <p>(n) Flood insurance study, township of Fort Gratiot, Michigan, St. Clair county, United States department of housing and urban development, federal insurance administration, June, 1978.</p> <p>(o) Flood insurance study, township of Fraser, Michigan, Bay county, federal emergency management agency, federal insurance administration, September, 1979.</p> <p>(p) Flood insurance study, township of Frenchtown, Michigan, Monroe county, United States department of housing and urban development, federal insurance administration, March, 1977.</p> <p>(q) Flood insurance study, city of Gibraltar, Michigan, Wayne county, United States department of housing and urban development, federal insurance administration, December, 1978.</p>	
------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--

<p>(r) Flood insurance study, city of Gladstone, Michigan, Delta county, United States department of housing and urban development, federal insurance administration, September, 1977.</p>	<p>(r) Flood insurance study, city of Gladstone, Michigan, Delta county, United States department of housing and urban development, federal insurance administration, September, 1977.</p>	
<p>(s) Flood insurance study, township of Grosse Isle, Michigan, Wayne county, United States department of housing and urban development, federal insurance administration, February, 1980.</p>	<p>(s) Flood insurance study, township of Grosse Isle, Michigan, Wayne county, United States department of housing and urban development, federal insurance administration, February, 1980.</p>	
<p>(t) Flood insurance study, township of Hampton, Michigan, Bay county, United States department of housing and urban development, federal insurance administration, February, 1978.</p>	<p>(t) Flood insurance study, township of Hampton, Michigan, Bay county, United States department of housing and urban development, federal insurance administration, February, 1978.</p>	
<p>(u) Flood insurance study, city of Harbor Springs, Michigan, Emmet county, United States department of housing and urban development, federal insurance administration, November, 1976.</p>	<p>(u) Flood insurance study, city of Harbor Springs, Michigan, Emmet county, United States department of housing and urban development, federal insurance administration, November, 1976.</p>	
<p>(v) Flood insurance study, township of Harrison, Michigan, Macomb county, federal emergency management agency, federal insurance administration, November 5, 1980.</p>	<p>(v) Flood insurance study, township of Harrison, Michigan, Macomb county, federal emergency management agency, federal insurance administration, November 5, 1980.</p>	
<p>(w) Flood insurance study, township of Ira, Michigan, St. Clair county, United States department of housing and urban development, federal insurance administration, September, 1979.</p>	<p>(w) Flood insurance study, township of Ira, Michigan, St. Clair county, United States department of housing and urban development, federal insurance administration, September, 1979.</p>	
<p>(x) Flood insurance study, township of Kawkawlin, Michigan, Bay county, United States</p>	<p>(x) Flood insurance study, township of Kawkawlin, Michigan, Bay county, United States department of</p>	

<p>department of housing and urban development, federal insurance administration, August, 1978.</p> <p>(y) Flood insurance study, township of LaSalle, Michigan, Monroe county, United States department of housing and urban development, federal insurance administration, August, 1977.</p> <p>(z) Flood insurance study, city of Luna Pier, Michigan, Monroe county, federal emergency management agency, federal insurance administration, December 1, 1981.</p> <p>(aa) Flood insurance study, city of Monroe, Michigan, Monroe county, United States department of housing and urban development, federal insurance administration, December, 1976.</p> <p>(bb) Flood insurance study, township of Monroe, Michigan, Monroe county, United States department of housing and urban development, federal insurance administration, June, 1977.</p> <p>(cc) Flood insurance study, city of Muskegon, Michigan, Muskegon county, United States department of housing and urban development, federal insurance administration, December, 1976.</p> <p>(dd) Flood insurance study, township of Muskegon, Michigan, Muskegon county, United States department of housing and urban development, federal insurance administration, August, 1977.</p>	<p>housing and urban development, federal insurance administration, August, 1978.</p> <p>(y) Flood insurance study, township of LaSalle, Michigan, Monroe county, United States department of housing and urban development, federal insurance administration, August, 1977.</p> <p>(z) Flood insurance study, city of Luna Pier, Michigan, Monroe county, federal emergency management agency, federal insurance administration, December 1, 1981.</p> <p>(aa) Flood insurance study, city of Monroe, Michigan, Monroe county, United States department of housing and urban development, federal insurance administration, December, 1976.</p> <p>(bb) Flood insurance study, township of Monroe, Michigan, Monroe county, United States department of housing and urban development, federal insurance administration, June, 1977.</p> <p>(cc) Flood insurance study, city of Muskegon, Michigan, Muskegon county, United States department of housing and urban development, federal insurance administration, December, 1976.</p> <p>(dd) Flood insurance study, township of Muskegon, Michigan, Muskegon county, United States department of housing and urban development, federal insurance administration, August, 1977.</p>	
-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--

<p>(ee) Flood insurance study, city of New Baltimore, Michigan, Macomb county, United States department of housing and urban development, federal insurance administration, March, 1978.</p>	<p>(ee) Flood insurance study, city of New Baltimore, Michigan, Macomb county, United States department of housing and urban development, federal insurance administration, March, 1978.</p>	
<p>(ff) Flood insurance study, city of North Muskegon, Michigan, Muskegon county, United States department of housing and urban development, federal insurance administration, November, 1976.</p>	<p>(ff) Flood insurance study, city of North Muskegon, Michigan, Muskegon county, United States department of housing and urban development, federal insurance administration, November, 1976.</p>	
<p>(gg) Flood insurance study, city of Norton Shores, Michigan, Muskegon county, United States department of housing and urban development, federal insurance administration, September, 1977.</p>	<p>(gg) Flood insurance study, city of Norton Shores, Michigan, Muskegon county, United States department of housing and urban development, federal insurance administration, September, 1977.</p>	
<p>(hh) Flood insurance study, township of Pinconning, Michigan, Bay county, United States department of housing and urban development, federal insurance administration, March, 1978.</p>	<p>(hh) Flood insurance study, township of Pinconning, Michigan, Bay county, United States department of housing and urban development, federal insurance administration, March, 1978.</p>	
<p>(ii) Flood insurance study, city of St. Clair, Michigan, St. Clair county, United States department of housing and urban development, federal insurance administration, December, 1977.</p>	<p>(ii) Flood insurance study, city of St. Clair, Michigan, St. Clair county, United States department of housing and urban development, federal insurance administration, December, 1977.</p>	
<p>(jj) Flood insurance study, township of St. Clair, Michigan, St. Clair county, United States department of housing and urban development, federal insurance administration, February, 1978.</p>	<p>(jj) Flood insurance study, township of St. Clair, Michigan, St. Clair county, United States department of housing and urban development, federal insurance administration, February, 1978.</p>	
<p>(kk) Flood insurance study, city of St. Clair Shores, Michigan, Macomb county, United States department of housing and urban</p>	<p>(kk) Flood insurance study, city of St. Clair Shores, Michigan, Macomb county, United States department of housing and urban development,</p>	

<p>development, federal insurance administration, February, 1978.</p> <p>(ll) Flood insurance study, township of Sims, Michigan, Arenac county, United States department of housing and urban development, federal insurance administration, December, 1977.</p> <p>(mm) Flood insurance study, village of Suttons Bay, Michigan, Leelanau county, United States department of housing and urban development, federal insurance administration, December, 1976.</p> <p>(nn) Flood insurance study, township of Wisner, Michigan, Tuscola county, United States department of housing and urban development, federal insurance administration, November, 1977.</p> <p>(oo) Flood insurance study, city of Wyandotte, Michigan, Wayne county, United States department of housing and urban development, federal insurance administration, November, 1977.</p> <p>(2) The documents adopted in this rule are available from the Federal Insurance Administration, Federal Emergency Management Agency, 175 West Jackson Boulevard, Chicago, Illinois 60604, at a cost at the time of adoption of these rules of \$5.00 each; the Michigan Department of Natural Resources, Land and Water Management Division, P.O. Box 30028, Lansing, Michigan 48909, at no charge; and the local unit of government.</p>	<p>federal insurance administration, February, 1978.</p> <p>(ll) Flood insurance study, township of Sims, Michigan, Arenac county, United States department of housing and urban development, federal insurance administration, December, 1977.</p> <p>(mm) Flood insurance study, village of Suttons Bay, Michigan, Leelanau county, United States department of housing and urban development, federal insurance administration, December, 1976.</p> <p>(nn) Flood insurance study, township of Wisner, Michigan, Tuscola county, United States department of housing and urban development, federal insurance administration, November, 1977.</p> <p>(oo) Flood insurance study, city of Wyandotte, Michigan, Wayne county, United States department of housing and urban development, federal insurance administration, November, 1977.</p> <p>(2) The documents adopted in this rule are available from the Federal Insurance Administration, Federal Emergency Management Agency, 175 West Jackson Boulevard, Chicago, Illinois 60604, at a cost at the time of adoption of these rules of \$5.00 each; the Michigan Department of Natural Resources, Land and Water Management Division, P.O. Box 30028, Lansing, Michigan 48909, at no charge; and the local unit of government.</p>	
-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--

<p>(3) The department may designate additional flood risk areas which are located within the 100-year floodplain of a Great Lake or a connecting waterway. The following information and studies may be used in delineating the flood risk areas:</p> <p>(a) Current floodplain information reports by the United States army, corps of engineers.</p> <p>(b) Report on Great Lakes open-coast flood levels by the United States army, corps of engineers.</p> <p>(c) Current flood hazard analysis studies by the United States department of housing and urban development, federal insurance administration.</p> <p>(d) Current flood hazard analysis studies by the United States soil conservation service.</p> <p>(e) Engineering studies currently acceptable to the department.</p> <p>(4) If the studies listed in subrule (3) of this rule are used to determine the flood risk area, all of the following procedures for designation shall be used:</p> <p>(a) Not less than 30 days before designation of a flood risk area, the department shall mail predesignation letters to the affected landowners of record as shown in the last assessment roll. The letter shall explain that the property is being considered for designation as a flood risk area.</p>	<p>(3) The department may designate additional flood risk areas which are located within the 100-year floodplain of a Great Lake or a connecting waterway. The following information and studies may be used in delineating the flood risk areas:</p> <p>(a) Current floodplain information reports by the United States army, corps of engineers.</p> <p>(b) Report on Great Lakes open-coast flood levels by the United States army, corps of engineers.</p> <p>(c) Current flood hazard analysis studies by the United States department of housing and urban development, federal insurance administration.</p> <p>(d) Current flood hazard analysis studies by the United States soil conservation service.</p> <p>(e) Engineering studies currently acceptable to the department.</p> <p>(4) If the studies listed in subrule (3) of this rule are used to determine the flood risk area, all of the following procedures for designation shall be used:</p> <p>(a) Not less than 30 days before designation of a flood risk area, the department shall mail predesignation letters to the affected landowners of record as shown in the last assessment roll. The letter shall explain that the property is being considered for designation as a flood risk area.</p>	
-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--

<p>The department shall schedule a meeting before designation to explain the proposed designation to property owners and local governmental agencies.</p> <p>(b) The department shall designate a flood risk area upon its finding that the property lies within the 100-year floodplain of a Great Lake or a connecting waterway.</p> <p>(c) In designating a flood risk area, the department shall notify the landowner of record and the local governmental agency affected thereby. The notice of designation shall be delivered personally or sent by certified mail to the landowner of record at the address given in the last assessment roll.</p> <p>(d) The notice of designation to affected landowners and local governmental agencies shall include all of the following information:</p> <p>(i) The authority and reasons for designation of flood risk areas.</p> <p>(ii) A description, graphic or otherwise, of the limits of the flood risk area.</p> <p>(iii) An explanation of any regulatory measures which may be required in the flood risk area and the regulatory role of the local governmental agency.</p> <p>(iv) The procedure by which the designation may be appealed.</p>	<p>The department shall schedule a meeting before designation to explain the proposed designation to property owners and local governmental agencies.</p> <p>(b) The department shall designate a flood risk area upon its finding that the property lies within the 100-year floodplain of a Great Lake or a connecting waterway.</p> <p>(c) In designating a flood risk area, the department shall notify the landowner of record and the local governmental agency affected thereby. The notice of designation shall be delivered personally or sent by certified mail to the landowner of record at the address given in the last assessment roll.</p> <p>(d) The notice of designation to affected landowners and local governmental agencies shall include all of the following information:</p> <p>(i) The authority and reasons for designation of flood risk areas.</p> <p>(ii) A description, graphic or otherwise, of the limits of the flood risk area.</p> <p>(iii) An explanation of any regulatory measures which may be required in the flood risk area and the regulatory role of the local governmental agency.</p> <p>(iv) The procedure by which the designation may be appealed.</p>	
-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--

<p>(5) The department shall consider additional flood risk areas as may be proposed by local governmental agencies, citizens, or interested groups.</p> <p>(6) In the absence of an approved local ordinance enacted pursuant to the provisions of sections 7, 8, 9, and 10 of the act or other approved ordinance which meets or exceeds the requirements in these rules, a person or local governmental agency proposing a new permanent structure or an enlargement of an existing permanent structure on a parcel, any portion of which is in a designated flood risk area, shall submit a permit application to the department for its review. The permit application shall contain all of the following information:</p> <p>(a) A legal description of the property.</p> <p>(b) A description of the proposed permanent structure.</p> <p>(c) An elevation survey of the building site by a professional engineer or registered land surveyor that shows both of the following:</p> <p>(i) A temporary bench mark which is within 100 feet of the proposed construction and which states the elevation of the bench mark in relation to the national geodetic vertical datum.</p> <p>(ii) The proposed elevation of the lowest structural member which supports the floor, including the</p>	<p>(5) The department shall consider additional flood risk areas as may be proposed by local governmental agencies, citizens, or interested groups.</p> <p>(6) In the absence of an approved local ordinance enacted pursuant to the provisions of sections 7, 8, 9, and 10 of the act or other approved ordinance which meets or exceeds the requirements in these rules, a person or local governmental agency proposing a new permanent structure or an enlargement of an existing permanent structure on a parcel, any portion of which is in a designated flood risk area, shall submit a permit application to the department for its review. The permit application shall contain all of the following information:</p> <p>(a) A legal description of the property.</p> <p>(b) A description of the proposed permanent structure.</p> <p>(c) An elevation survey of the building site by a professional engineer or registered land surveyor that shows both of the following:</p> <p>(i) A temporary bench mark which is within 100 feet of the proposed construction and which states the elevation of the bench mark in relation to the national geodetic vertical datum.</p> <p>(ii) The proposed elevation of the lowest structural member which supports the floor, including the</p>	
----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--

<p>basement, but excluding all of the following:</p> <p>(A) The footing.</p> <p>(B) Pile caps.</p> <p>(C) Piling.</p> <p>(D) Nonstructural slabs.</p> <p>(E) Girders.</p> <p>(F) Grade beams.</p> <p>(d) The means to be undertaken to prevent property loss.</p> <p>(e) The signature and address of the applicant.</p> <p>(7) A permit application for a new permanent structure on a parcel, any portion of which is in a designated flood risk area, shall be approved if it meets or exceeds the minimum requirements established in subrule (10) or (11) of this rule.</p> <p>(8) Not more than 60 days after receipt of a permit application, the department shall send a notice of its approval or disapproval to the applicant. The reasons for disapproval shall be stated and sent by certified mail. A permit application which does not require a field investigation shall be processed within 20 days.</p> <p>(9) Approval of a permit does not exempt the applicant from complying with other statutes, ordinances, or rules and regulations.</p>	<p>basement, but excluding all of the following:</p> <p>(A) The footing.</p> <p>(B) Pile caps.</p> <p>(C) Piling.</p> <p>(D) Nonstructural slabs.</p> <p>(E) Girders.</p> <p>(F) Grade beams.</p> <p>(d) The means to be undertaken to prevent property loss.</p> <p>(e) The signature and address of the applicant.</p> <p>(7) A permit application for a new permanent structure on a parcel, any portion of which is in a designated flood risk area, shall be approved if it meets or exceeds the minimum requirements established in subrule (10) or (11) of this rule.</p> <p>(8) Not more than 60 days after receipt of a permit application, the department shall send a notice of its approval or disapproval to the applicant. The reasons for disapproval shall be stated and sent by certified mail. A permit application which does not require a field investigation shall be processed within 20 days.</p> <p>(9) Approval of a permit does not exempt the applicant from complying with other statutes, ordinances, or rules and regulations.</p>	
-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--

<p>(10) New residential structures in a flood risk area shall be elevated so that the lowest portion of all horizontal structural members which support floors, excluding footings, pile caps, piling, nonstructural slabs, girders, and grade beams, is located at or above the 100- year flood elevation. All basement floor surfaces shall be located at or above the 100-year flood elevation. New and replacement electrical wiring and equipment and heating, ventilating, air conditioning, and other service facilities shall be either placed above the 100-year flood elevation or be protected so as to prevent water from entering or accumulating within the system components during floods up to the 100-year elevation. Duct insulation subject to water damage shall not be installed below the 100-year elevation.</p>	<p>(10) New residential structures in a flood risk area shall be elevated so that the lowest portion of all horizontal structural members which support floors, excluding footings, pile caps, piling, nonstructural slabs, girders, and grade beams, is located at or above the 100-year flood elevation. All basement floor surfaces shall be located at or above the 100-year flood elevation. New and replacement electrical wiring and equipment and heating, ventilating, air conditioning, and other service facilities shall be either placed above the 100-year flood elevation or be protected so as to prevent water from entering or accumulating within the system components during floods up to the 100-year elevation. Duct insulation subject to water damage shall not be installed below the 100-year elevation.</p>	
<p>(11) New nonresidential structures in a flood risk area shall be in compliance with either of the following requirements:</p> <p>(a) Meet the requirements of new residential structures as provided for in subrule (10) of this rule.</p> <p>(b) Together with attendant utility and sanitary facilities, be certified by a professional engineer or architect to have been designed so that, below the elevation defining the flood risk area, the structure is watertight and able to withstand hydrostatic pressures from a water level equal to the</p>	<p>(11) New nonresidential structures in a flood risk area shall be in compliance with either of the following requirements:</p> <p>(a) Meet the requirements of new residential structures as provided for in subrule (10) of this rule.</p> <p>(b) Together with attendant utility and sanitary facilities, be certified by a professional engineer or architect to have been designed so that, below the elevation defining the flood risk area, the structure is watertight and able to withstand hydrostatic pressures from a water level equal to the elevation defining</p>	

<p>elevation defining the flood risk area. All floor and wall penetrations for plumbing, mechanical, and electrical systems shall be made watertight to prevent flood water seepage or shall be provided with shutoff valves or closure devices to prevent backwater flow during flooding.</p>	<p>the flood risk area. All floor and wall penetrations for plumbing, mechanical, and electrical systems shall be made watertight to prevent flood water seepage or shall be provided with shutoff valves or closure devices to prevent backwater flow during flooding.</p>	
<p>(12) An existing structure which is not in conformity with the elevation requirements of a designated flood risk area shall not be altered, enlarged, or otherwise extended in a manner that increases its nonconformity. If a nonconforming structure deteriorates or becomes damaged, it may be restored to its condition before the deterioration or damage if the repair costs are not more than 60% of the replacement value of the structure in any 12-month period. If, in any 12-month period, the cost of restoring the nonconforming structure is more than 60% of its replacement value, the requirements for new permanent structures shall apply.</p>	<p>(12) An existing structure which is not in conformity with the elevation requirements of a designated flood risk area shall not be altered, enlarged, or otherwise extended in a manner that increases its nonconformity. If a nonconforming structure deteriorates or becomes damaged, it may be restored to its condition before the deterioration or damage if the repair costs are not more than 60% of the replacement value of the structure in any 12-month period. If, in any 12-month period, the cost of restoring the nonconforming structure is more than 60% of its replacement value, the requirements for new permanent structures shall apply.</p>	
<p>(13) Any aggrieved party who contests the designation of a flood risk area under subrule (4) of this rule or the disapproval of a permit application shall be granted a hearing if a petition is filed with the department not more than 60 days after the notice of designation or notice of disapproval is sent. Such petition shall be sent to the director of the Department of Natural Resources, P.O. Box 30028, Lansing,</p>	<p>(13) Any aggrieved party who contests the designation of a flood risk area under subrule (4) of this rule or the disapproval of a permit application shall be granted a hearing if a petition is filed with the department not more than 60 days after the notice of designation or notice of disapproval is sent. Such petition shall be sent to the director of the Department of Natural Resources, P.O. Box 30028, Lansing, Michigan 48909. The</p>	

<p>Michigan 48909. The hearing shall be conducted in accordance with the provisions of Act No. 306 of the Public Acts of 1969, as amended, being §24.201 et seq. of the Michigan Compiled Laws.</p> <p>(14) If the local unit of government has an approved ordinance enacted pursuant to the provisions of section 7, 8, 9, or 10 of the act or other approved ordinance, the department shall provide a period of 1 year from the date of notification to allow the local unit of government to adopt standards which equal or exceed the requirements in these rules.</p> <p>(15) If the department determines that the requirements set forth in these rules are not being upheld by a local unit of government which has an approved ordinance, the department shall contact the local agency to identify, discuss, and attempt to resolve any problems. If the problem cannot be informally resolved, the department shall then notify the community, in writing, of its determination. The notice shall contain the specific reasons why the department believes the local unit of government has not upheld the approved ordinance. The local unit of government shall be provided a period of 60 days to respond to the department. If the department further determines that the local unit of government has not made sufficient changes to its ordinance administration or otherwise explained its actions, the</p>	<p>hearing shall be conducted in accordance with the provisions of Act No. 306 of the Public Acts of 1969, as amended, being §24.201 et seq. of the Michigan Compiled Laws.</p> <p>(14) If the local unit of government has an approved ordinance enacted pursuant to the provisions of section 7, 8, 9, or 10 of the act or other approved ordinance, the department shall provide a period of 1 year from the date of notification to allow the local unit of government to adopt standards which equal or exceed the requirements in these rules.</p> <p>(15) If the department determines that the requirements set forth in these rules are not being upheld by a local unit of government which has an approved ordinance, the department shall contact the local agency to identify, discuss, and attempt to resolve any problems. If the problem cannot be informally resolved, the department shall then notify the community, in writing, of its determination. The notice shall contain the specific reasons why the department believes the local unit of government has not upheld the approved ordinance. The local unit of government shall be provided a period of 60 days to respond to the department. If the department further determines that the local unit of government has not made sufficient changes to its ordinance administration or otherwise explained its actions, the department shall withdraw its approval and assume its flood risk area permitting authority within the</p>	
---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--

<p>department shall withdraw its approval and assume its flood risk area permitting authority within the jurisdiction.</p> <p>(16) The landowner of record and the local governmental agency shall be sent a notice by certified mail if the flood risk area designation is removed.</p> <p>(17) All flood risk area designations in existence on the effective date of these rules shall remain in full force and effect.</p> <p>R 281.26 Rescission.</p> <p>Rule 6.</p> <p>R 281.1 to R 281.19 of the Michigan Administrative Code, appearing on pages 7129 to 7132 of the 1974 Annual Supplement to the Code and pages 6 to 8 of Quarterly Supplement No. 87 to the Code, are rescinded.</p>	<p>jurisdiction.</p> <p>(16) The landowner of record and the local governmental agency shall be sent a notice by certified mail if the flood risk area designation is removed.</p> <p>(17) All flood risk area designations in existence on the effective date of these rules shall remain in full force and effect.</p> <p>R 281.26 Rescission.</p> <p>Rule 6.</p> <p>R 281.1 to R 281.19 of the Michigan Administrative Code, appearing on pages 7129 to 7132 of the 1974 Annual Supplement to the Code and pages 6 to 8 of Quarterly Supplement No. 87 to the Code, are rescinded.</p>	
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--

Name/Description of State Law/Administrative Rule	State Legal Citation	Date Adopted by State	Date Effective in State
ADDED:			
Natural Resources and Environmental Protection Act (NREPA; Public Act 451 of 1994, as amended), Part 323, Shorelands Protection and Management, Section 32312a – Construction of above-grade walls with moveable brick allowed	Michigan Compiled Laws (MCL) section 324.32312a	November 5, 1997	November 5, 1997
MODIFIED:			
NREPA, Section 32301 – Definitions	MCL 324.32301	May 24, 1995	May 24, 1995
NREPA, Section 32302 – High risk area study	MCL 324.32302*	May 24, 1995	May 24, 1995
NREPA, Section 32303 – Flood risk area study	MCL 324.32303*	May 24, 1995	May 24, 1995
NREPA, Section 32304 – Environmental area study	MCL 324.32304*	May 24, 1995	May 24, 1995
NREPA, Section 32305 – High risk area designation, notice	MCL 324.32305	May 24, 1995	May 24, 1995
NREPA, Section 32306 – Flood risk area designation, notice	MCL 324.32306	May 24, 1995	May 24, 1995
NREPA, Section 32307 – Environmental area designation; notice	MCL 324.32307	May 24, 1995	May 24, 1995
NREPA, Section 32308 – County zoning	MCL 324.32308*	May 24, 1995	May 24, 1995
NREPA, Section 32309 – City or village zoning	MCL 324.32309*	May 24, 1995	May 24, 1995
NREPA, Section 32310 – Township zoning	MCL 324.32310*	May 24, 1995	May 24, 1995
NREPA, Section 32311 – Approval or disapproval of local ordinances	MCL 324.32311	May 24, 1995	May 24, 1995
NREPA, Section 32312 – Administrative rule promulgation; permit fees; violations; restraining orders	MCL 324.32312	June 11, 2015	October 1, 2015
NREPA, Section 32313 – Preparation of State shoreland management plan	MCL 324.32313*	May 24, 1995	May 24, 1995
NREPA, Section 32314 – Department agreements and contracts for studies or plans	MCL 324.32314*	May 24, 1995	May 24, 1995
NREPA, Section 32315 – Money, grants, or grants-in-aid for	MCL 324.32315*	May 24, 1995	May 24, 1995

shoreland research, planning, or management			
Shorelands Protection and Management Administrative Rules, Rule 1 - Definitions	R 281.21 of the Michigan Administrative Code	July 17, 1998	September 16, 1998
Shorelands Protection and Management Administrative Rules, Rule 3 – Environmental Areas	R 281.23 of the Michigan Administrative Code	July 17, 1998	September 16, 1998
DELETED:			
Shorelands Protection and Management Act (Public Act 245 of 1970, as amended), Section 1 – Short title of act	MCL 281.631*	May 24, 1995	May 24, 1995
Changes marked with an asterisk (*) are incorporated into the MCZMP, but are not required to be used for Federal Consistency.			