

HOUSE BILL NO. 5103

October 22, 2025, Introduced by Rep. VanWoerkom and referred to Committee on Rules.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending sections 32312, 32312a, and 32510 (MCL 324.32312,
324.32312a, and 324.32510), section 32312 as amended by 2021 PA 91,
section 32312a as added by 1997 PA 126, and section 32510 as added
by 1995 PA 59, and by adding section 32510a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 32312. (1) ~~To~~**Subject to section 32312a, to** regulate the
2 uses and development of high-risk areas, flood risk areas, and

1 environmental areas and to implement the purposes of this part, the
2 department shall promulgate rules. If **the rules require** permits,
3 ~~are required under rules promulgated under this part,~~ the permits
4 must be issued ~~pursuant to~~ **in accordance with** the rules and part
5 13. **When reviewing an application for a permit under this part, the**
6 **department shall give deference to a landowner's rights over public**
7 **access rights.** Except as provided under subsection (2), until
8 October 1, 2025, if permits are required ~~pursuant to~~ **under the**
9 ~~rules, promulgated under this part,~~ an application for a permit
10 must be accompanied by a fee as follows:

11 (a) For a commercial or multifamily residential project,
12 \$500.00.

13 (b) For a single-family home construction, \$100.00.

14 (c) For an addition to an existing single-family home or for a
15 project that has a minor impact on fish and wildlife resources in
16 environmental areas as determined by the department, \$50.00.

17 (2) A project that requires review and approval under this
18 part and under 1 or more of the following is subject to only the
19 single highest permit fee required under this part or the
20 following:

21 (a) Part 301.

22 (b) Part 303.

23 (c) Part 325.

24 (d) Section 3104.

25 (e) Section 117 of the land division act, 1967 PA 288, MCL
26 560.117.

27 (3) The department shall forward fees collected under this
28 section to the state treasurer for deposit in the land and water
29 management permit fee fund created in section 30113.

(4) A circuit court, ~~upon~~^{on} petition and a showing by the department that **section 32312a or** a rule promulgated under subsection (1) has been violated, shall issue any necessary order to the defendant to correct the violation or to restrain the defendant from further violation of **section 32312a or** the rule.

Sec. 32312a. (1) Notwithstanding any other provision of this part or the rules promulgated under this part, the department shall allow above grade walls to be constructed **only** with ~~moveable~~^{any of} **the following:**

(a) Moveable brick.

(b) Stone.

(c) Biodegradable materials.

(d) Soft, permeable synthetic textile material that consists of polypropylene or polyester and contains not more than 4% carbon black. A textile material used under this subdivision must not contain BPA.

(2) A permit is not required under this part for construction of a soft erosion control structure if all of the following conditions are met:

(a) The structure is installed on the shoreland of 1 of the following bodies of water:

(i) Lake Superior.

(ii) Lake Michigan.

(iii) Lake Huron.

(iv) Lake Erie.

(v) Lake St. Clair.

(b) The structure is constructed using sandbags, sand-filled geotubes, or geotextile tubes that are made from biodegradable materials or soft, permeable synthetic textile material that

1 consists of polypropylene or polyester and contains not more than
2 4% carbon black. A textile material used under this subdivision
3 must not contain BPA.

4 (c) The structure is installed in a manner that complies with
5 manufacturer installation recommendations.

6 (d) To the extent reasonably possible to ensure shoreland and
7 dune preservation and protection, the structure does not extend
8 into the water of any of the bodies of water listed in subdivision
9 (a) and does not impair walkability.

10 (e) Before installation of the structure begins, the property
11 owner files with the department, the county, and the municipality
12 in which the property is located a notice, in writing, that
13 contains all of the following information:

14 (i) The property owner's name, address, telephone number, and
15 email address.

16 (ii) A physical description of where the soft erosion control
17 structure will be installed.

18 (iii) The materials that will be used to construct the soft
19 erosion control structure.

20 (iv) Any other information considered necessary by the
21 department, the county, or the municipality.

22 (f) The structure complies with the applicable local
23 ordinances, regulations, or rules.

24 (3) A soft erosion control structure installed under
25 subsection (2) may remain in place as long as all of the following
26 apply:

27 (a) The structure does not impede or prevent walkability along
28 the shoreline when the water is below the ordinary high water mark.

29 (b) The majority of the structure is covered by sand or

1 otherwise is not visible, and any part of the structure that is
2 visible does not show signs of degradation.

3 (c) The structure complies with local ordinances, as
4 applicable.

5 (4) If a local unit of government has a local ordinance in
6 effect as of January 1, 2025 that is consistent with this part, the
7 department shall defer permitting authority to the local unit of
8 government for activities within its jurisdiction.

9 (5) The owner of the property at which a soft erosion control
10 structure is installed may file an application for a permit
11 required under this part to install a hard wall revetment to
12 replace the soft erosion control structure. If the owner files an
13 application for a permit to install a hard wall revetment, the soft
14 erosion control structure may remain in place until the department
15 issues a permit under this part. If the owner has an operational
16 septic system within 100 feet of the wave cut, the owner may
17 install a hard wall revetment to replace the soft erosion control
18 structure without applying for a permit under this part. Removal of
19 a soft erosion control structure under this subsection does not
20 require a permit under this part.

21 Sec. 32510. (1) Except as provided in subsection (2), a person
22 ~~who~~**that** excavates or fills or in any manner alters or modifies any
23 of the land or waters subject to this part without the approval of
24 the department **or that violates section 32510a** is guilty of a
25 misdemeanor ~~—~~punishable by imprisonment for not more than 1 year
26 or a fine of not more than \$1,000.00, or both. Land altered or
27 modified in violation of this part ~~shall~~**must** not be sold to any
28 person convicted under this section at less than fair, cash market
29 value.

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

(3) As used in this section, "minor offense" means ~~either~~**any** of the following violations of this part if the department determines that restoration of the affected property is not required:

(a) The failure to obtain a permit under this part.

(b) A violation of a permit issued under this part.

(c) A violation of section 32510a.

Sec. 32510a. A permit is not required under this part for construction of a soft erosion control structure if all of the following conditions are met:

(a) The structure is installed on the bottomlands of 1 of the following bodies of water:

(i) Lake Superior.

(ii) Lake Michigan.

(iii) Lake Huron.

(iv) Lake Erie.

(v) Lake St. Clair.

(b) The structure is constructed using sandbags, sand-filled geotubes, or geotextile tubes that are made from biodegradable materials or soft, permeable synthetic textile material that consists of polypropylene or polyester and contains not more than

1 4% carbon black. A textile material used under this subdivision
2 must not contain BPA.

3 (c) The structure is installed in a manner that complies with
4 manufacturer installation recommendations.

5 (d) Before installation of the structure begins, the property
6 owner files with the department, the county, and the municipality
7 in which the property is located a notice, in writing, that
8 contains all of the following information:

9 (i) The property owner's name, address, telephone number, and
10 email address.

11 (ii) A physical description of where the soft erosion control
12 structure will be installed.

13 (iii) The materials that will be used to construct the soft
14 erosion control structure.

15 (iv) Any other information considered necessary by the
16 department, the county, or the municipality.

17 (e) The structure complies with the applicable local
18 ordinances, regulations, or rules.