



U.S. DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
Office for Coastal Management
Silver Spring Metro Center, Building 4
1305 East-West Highway
Silver Spring, Maryland 20910

Mr. Jon Allan, Director
Office of the Great Lakes
Department of Environmental Quality
P.O. Box 30473
Lansing, MI 48909-7973

JUL 28 2016

Dear Mr. Allan:

Thank you for the Michigan Office of the Great Lakes' June 13, 2016, request (received on June 22, 2016) that changes to the enforceable policies for shorelands protection and management be incorporated into the Michigan Zone Coastal Management Program (CZMP). You requested that the changes described below be incorporated as routine program changes (RPCs), pursuant to Coastal Zone Management Act (CZMA) regulations at 15 C.F.R. part 923, subpart H, and the Office for Coastal Management's *Program Change Guidance* (July 1996).

Based on our review of your submission, we concur, with the qualifications described below, that the changes are RPCs and we approve the incorporation of the changes as enforceable policies of the Michigan CZMP. Federal Consistency will apply to the approved changes to enforceable policies only after you publish notice of this approval pursuant to 15 C.F.R. § 923.84(b)(4) and the Office for Coastal Management's *Addendum to the July 1996 Program Change Guidance (November 2013)*. Please include in the public notice the list of changes provided in this letter, and please send a copy of the notice to the Office for Coastal Management.

CHANGES APPROVED

Please see the attached table listing approved changes incorporated into the Michigan CZMP.

QUALIFICATION

The following standard qualification applies to all program changes approved by the Office for Coastal Management.

States may not incorporate enforceable policies by reference. If an approved enforceable policy refers to another statute, regulation, policy, standard, guidance, or other such requirement or document (hereinafter "referenced policy"), the referenced policy itself must be submitted to and approved by the Office for Coastal Management as an enforceable policy in order to be applied under the federal consistency review provisions of the CZMA. Therefore, no referenced policy in these approved enforceable policies may be applied for federal consistency unless that referenced policy has been separately approved by the Office for Coastal Management.

PUBLIC AND FEDERAL AGENCY COMMENTS

The Detroit District for the Army Corps of Engineers reviewed the program change submission and notified the Office for Coastal Management that it had no comments.

Thank you to you and your staff for your cooperation in this review. Please contact Rachael Franks Taylor at (617) 834-2493, if you have any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Joelle Gore', with a long horizontal flourish extending to the right.

Joelle Gore, Chief
Stewardship Division

Enclosure(s):

Policies Approved and Incorporated into the Michigan Coastal Zone Management Program

Enclosure to the Office for Coastal Management's JULY 28, 2016, Approval of the Incorporation of Changes to
the MICHIGAN COASTAL ZONE MANAGEMENT PROGRAM

Changes marked with an asterisk (*) are incorporated into the MICHIGAN COASTAL ZONE MANAGEMENT PROGRAM, but do not contain enforceable policies that can be used for Federal Consistency.

Name/Description of State or Local Law/Regulation/Policy/Program Authority	State/Local 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	MCL 324.32313*	May 24, 1995	May 24, 1995

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Name/Description of State or Local Law/Regulation/Policy/Program Authority	State/Local Legal Citation	Date Adopted by State	Date Effective in State
State shoreland management plan			
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 shoreland research, planning, or management	MCL 324.32315*	May 24, 1995	May 24, 1995
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