



**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

June 8, 2021

Ms. Liesl Eichler Clark, Director  
Michigan Department of Environment, Great  
Lakes, and Energy  
Constitution Hall  
525 West Allegan  
P.O. Box 30473  
Lansing, MI 48909

Dear Director Clark,

Thank you for the March 17, 2021, request for approval of changes to the Michigan Coastal Management Program pursuant to the National Oceanic and Atmospheric Administration (NOAA) Coastal Zone Management Act (CZMA) regulations at 15 CFR part 923, subpart H.<sup>1</sup>

NOAA's Office for Coastal Management approves the request subject to the standard qualification below.

NOAA's regulations require that the state post this decision by the Office for Coastal Management for public notice.<sup>2</sup> The public notice should state that as of the date of this decision letter, the enforceable policies identified in the attached Table of Approved Changes shall be applicable in reviewing federal actions pursuant to the federal consistency requirements of the CZMA and its implementing regulations, found at 15 CFR part 930.<sup>3</sup> Please send a copy of the public notice to the Office for Coastal Management for our records to close out this file.

### **PUBLIC AND FEDERAL AGENCY COMMENTS**

The Office for Coastal Management did not receive any comments on this program change submission.

### **CHANGES APPROVED**

See the attached Table of Approved Changes to the Michigan Coastal Management Program.

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<sup>1</sup> This program change request was submitted under NOAA's revised CZMA program change regulations at 15 CFR part 923, subpart H (84 Federal Register (FR) 38118 (Aug. 6, 2019)). The Office for Coastal Management's decision, originally due on April 16, 2021, was extended to May 14, 2021.

<sup>2</sup> 15 CFR § 923.81(e)(5), as described at 84 FR 38133 (Aug. 6, 2019).

<sup>3</sup> 15 CFR § 923.81(f), as described at 84 FR 38133 (Aug. 6, 2019).

## **QUALIFICATION**

As a standard qualification applying to all program changes, 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, the referenced policy 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. No referenced policy may be applied for CZMA federal consistency review purposes unless that policy has been separately reviewed and approved as an enforceable policy by the Office for Coastal Management.

Thank you for your cooperation in this review. Please contact Rachael Franks Taylor at (617) 834-2493, if you have any questions. For future correspondence regarding these program changes, please refer to the file number assigned to this action, MI-2021-1.

Sincerely,

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

Joelle Gore, Chief  
Stewardship Division

Attachment: Table of Approved Changes MI-2021-1

## TABLE OF APPROVED CHANGES TO THE MICHIGAN COASTAL MANAGEMENT PROGRAM (MI-2021-1)

Please see the June 8, 2021, decision letter for qualifications, clarifications, and exceptions pertaining to this approval.

### *Approved Changes from the Michigan Coastal Management Program*

Legal citation	Title of policy, section, or other descriptor	Is the change new, revised, or deleted	Date effective in state	Enforceable policy	Enforceable mechanism citation
Natural Resources and Environmental Protection Act (NREPA; Public Act 451 of 1994, as amended), Part 353, (Sand Dunes Protection and Management). Section 324.35301 of the Michigan Compiled Laws (MCL)	Definitions	Revised	08/07/2012	Yes	MCL 324.35304(1)
MCL 324.35302	Legislative findings	Revised	08/07/2012	No	N/A
MCL 324.35304	Permit for use in critical dune area; requirements; decision of local unit of government; limitations; ordinance; model zoning plan; special exceptions; assisting local units of government	Revised	08/07/2012	Yes	MCL 324.35304(1)
MCL 324.35305	Hearing; judicial review	Revised	08/07/2012	No	N/A
MCL 324.35306	Lawful use of land or structure; exemptions	Revised	08/07/2012	Yes	MCL 324.35304(1)

**TABLE OF APPROVED CHANGES TO THE MICHIGAN COASTAL MANAGEMENT PROGRAM (MI-2021-1)**

<b>Legal citation</b> <i>1000 Character Limit</i>	<b>Title of policy, section, or other descriptor</b>	<b>Is the change new, revised, or deleted</b> <i>Enter one</i>	<b>Date effective in state</b> <i>MM/DD/YYYY</i>	<b>Enforceable policy</b> <i>Y or N</i>	<b>Enforceable mechanism citation</b> <i>1000 Character Limit</i>
MCL 324.35310	Suspension or revocation of permit; restraining order, injunction, or other appropriate remedy; instituting action; cumulative rights; performance review; determination of noncompliance; response; implementation of model zoning plan; appeal; civil fine; order to pay cost of restabilization; violation as misdemeanor	Revised	08/07/2012	No	N/A
MCL 324.35311	Review of "atlas of critical dune areas"; appointment and duties of review team	Revised	08/07/2012	No	N/A
MCL 324.35311a	Construction, improvement, and maintenance of driveways	New	08/07/2012	Yes	MCL 324.35304(1)
MCL 324.35311b	Construction, improvement, and maintenance of accessibility measures	New	08/07/2012	Yes	MCL 324.35304(1)
MCL 324.35312	Zoning ordinance; provisions; regulation of additional lands	Revised	08/07/2012	Yes	MCL 324.35304(1)
MCL 324.35313	Zoning ordinance; requirements for applications for permits for use of critical dune area	Revised	08/07/2012	Yes	MCL 324.35304(1)
MCL 324.35316	Zoning ordinances; additional prohibited uses in critical dune area; variance; contour maps; guidelines; restoration	Revised	08/07/2012	Yes	MCL 324.35304(1)

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MCL 324.35317	Variances; special exceptions; limitations; decision; environmental site assessment or environmental impact statement; annual report; forwarding application to local government; review and comment; waiver of opportunity to review; notice of opposition; determination of practical difficulty	Revised	08/07/2012	Yes	MCL 324.35304(1)
MCL 324.35321	Review of site plan; duties of planning commission	Revised	08/07/2012	Yes	MCL 324.35304(1)
MCL 324.35322	Special use project application, plan, and proposed decision; review; action	Revised	08/07/2012	No	N/A
MCL 324.35323	Destruction of structure or use; exemption; replacement	Revised	08/07/2012	Yes	MCL 324.35304(1)
324.35326	Appropriation; purpose; sufficiency	Deleted	08/07/2012	No	N/A