

Legislative Analysis



WETLANDS PERMITS

Mitchell Bean, Director
Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

House Bills 6162, 6164, and 6165

Sponsor: Rep. John Pastor

Committee: Natural Resources, Great Lakes, Land Use, and Environment

Complete to 6-28-06

A SUMMARY OF HOUSE BILLS 6162, 6164, AND 6165 AS INTRODUCED 6-8-06

Part 303 (Wetland Protection) of the Natural Resources and Environmental Protection Act requires individuals to obtain a permit, with certain exceptions, from the Department of Environmental Quality (DEQ) when doing any of the following: (1) depositing or permitting the placement of fill material in a wetland; (2) dredging, removing, or permitting the removal of soil or minerals from a wetland; (3) constructing, operating, or maintaining any use or development in a wetland; and (4) draining surface water from a wetland.

House Bill 6162

The bill would amend Part 303 (Wetlands Protection) of the Natural Resources and Environmental Protection Act (MCL 324.30306b) to require the Department of Environmental Quality, if requested, to meet with an applicant for a wetlands permit and the applicant's attorneys and consultants to review the application for a wetlands permit.

The DEQ could require that a request for a meeting be accompanied by a fee that could not exceed the department's costs for attending the meeting. The fee would be refunded to the applicant if the DEQ and the applicant agree on the time and place of the meeting and the department is not represented at the meeting. Also, a rescheduled meeting would have to be held within 10 days of the first scheduled meeting date.

House Bill 6164

Part 303 (MCL 324.30307) requires the DEQ to send local governmental units that do not have an ordinance regulating wetlands a copy of the permit application. The local unit may review the application and recommend that it be approved, denied, or modified. The recommendations must be returned to the DEQ within 45 days. The bill would permit local units to waive its review authority by providing the DEQ with written notice. The waiver would remain in effect until the local unit retracts the waiver in writing.

House Bill 6165

The bill would amend Part 303 (MCL 324.30313b) to allow holders of individual permits and certificates of coverage under a general permit to transfer the permit or certificate to a new person if a written agreement between the current and new permit holder

specifying the date responsibility, coverage, and liability has been provided to the DEQ or local unit that issued the permit, and the DEQ or appropriate local unit finds that no other changes to the permit or certificate are necessary. The DEQ could charge a reasonable fee (not exceeding administrative costs) for transferring the permit.

FISCAL IMPACT:

House Bills 6162 and 6165 would have an indeterminate fiscal impact on the DEQ. The bills permit the DEQ to assess fees to cover its costs for its responsibilities under the bills. House Bill 6164 would have no fiscal impact on the state. None of the bills would have a fiscal impact on local governmental units.

Legislative Analyst: Mark Wolf
Fiscal Analyst: Kirk Lindquist

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.