

Legislative Analysis



PRE-APPLICATION MEETINGS FOR INLAND LAKES AND STREAMS PERMITS

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

House Bill 6576

Sponsor: Rep. John Pastor

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

Complete to 11-29-06

A SUMMARY OF HOUSE BILL 6576 AS INTRODUCED 9-20-06

The bill would create a new Section 30104b of the Natural Resources and Environmental Protection Act to extend recently-enacted pre-application meeting provisions found in Section 30306b (currently applicable to wetland projects and permit applications under Part 303) to any project or permit governed by Part 301 (Inland Lakes and Streams).

[This bill is tie-barred to House Bill 6162, enacted into law as Public Act 435 of 2006. Public Act 435 created Section 30306b.]

The bill would simply state that "Section 30303b applies to a proposed project or a permit application under this part [Part 301]."

Activities Requiring Permit. Part 301 requires persons to obtain a permit from the Department of Environmental Quality (DEQ) to do any of the following:

- Dredge or fill bottomland.
- Construct, enlarge, extend, remove, or place a structure on bottomland.
- Build or operate a marina.
- Create, enlarge, or diminish an inland lake or stream.
- Construct, dredge, commence, extend or enlarge an artificial canal, channel, ditch, lagoon, pond, lake, or similar waterway where the purpose is ultimate connection with an existing inland lake or stream, or where any part of the artificial waterway is located within 500 feet of the ordinary high-water mark of an existing inland lake or stream.
- Connect any natural or artificially constructed waterway, canal, channel, ditch, lagoon, pond, or similar water with an existing inland lake or stream for navigation or any other purpose.

The DEQ may also establish a bulkhead line by permit under Section 301.

Current Pre-Application Procedures. The bill would apply the pre-application procedures contained in Section 30306b to inland stream and lake projects and permits under Part 301. Under Section 30306b, the DEQ, upon request and receipt of an appropriate fee, is required meet with a landowner or his or her representative to review a proposed project or a proposed permit application in its entirety. The pre-application meeting may take place

either at the DEQ's district office for the district that includes the project site or at the project site, as specified in the request.

The fee for meeting at the district office is \$150. The fee for meeting at the project site is \$250 for the first acre or portion of an acre of project area, plus \$50 for each additional acre or portion of an acre, not to exceed \$1,000. If the location of the project is a single family residential lot less than one acre in size, there is no fee for a meeting at the district office, and the fee for meeting at the project site is \$100. Any written agreement provided by the DEQ as a result of the meeting regarding the need to obtain a permit would be binding on the department for two years.

MCL 324.30104b

FISCAL IMPACT:

This bill would allow a pre-application process for any proposed project or permit application under Part 301, Inland Lakes and Streams. There would be an indeterminate revenue increase to the Land and Water Permit Fees subfund, depending on the number of pre-application reviews requested by permit applicants.

Legislative Analyst: Shannan Kane
Fiscal Analyst: Kirk Lindquist

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