

Legislative Analysis



ENVIRONMENTAL FEE EXTENSION

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Senate Bill 1450 (S-1)

Senate Bill 1451 (S-1)

Sponsor: Sen. Patricia L. Birkholz

Committee: Appropriations

Complete to 9-22-10

A SUMMARY OF SENATE BILLS 1450 & 1451 PASSED BY THE SENATE ON 9-16-10

Senate Bills 1450 and 1451 would amend Part 301 (Inland Lakes and Streams) of the Natural Resources and Environmental Protection Act (NREPA).

Senate Bill 1450 (S-1) would establish a new sunset date of October 1, 2015, on provisions concerning a pre-application meeting for an environmental permit. Under current law, a person is required to obtain a permit from the Department of Natural Resources and Environment in order to engage in certain activities that would interfere with the natural flow of a lake or stream. Permits are required for activities such as dredging or filling bottomlands, the construction or expansion of a marina, adding seawalls or bulkheads, or draining wetlands.

In Part 301 of NREPA, Section 30104b states that Section 30306b of NREPA, which establishes the pre-application meeting requirement, applies to the permitting process detailed in Part 301. Under current law, Section 30104b will expire on October 1, 2010. The bill would extend this sunset an additional five years, until December 1, 2015.

Senate Bill 1451 (S-1) would amend section 30306b of Part 303 of NREPA, which establishes the pre-application meeting requirement. This section requires that if a permit applicant requests, the Department must meet with the person to review a proposed project or a project's permit application, and lists specific provisions concerning any such meetings. Under current law, this pre-application meeting requirement will expire on December 1, 2010 (MCL 324.30104b). The bill would extend this sunset an additional five years, until December 1, 2015.

FISCAL IMPACT:

The bills would extend the sunset on pre-application meetings fees that applicants are required to pay under Section 30306b of NREPA and give the DNRE the authorization to continue collecting this revenue. Under current law, pre-application meeting requests must be accompanied by a fee.

If the meeting is to be held at the district office, the fee is \$150. If it is held at the project site, the fee is \$250 for the first acre and \$50 for each additional acre, up to a maximum of \$1,000. There is no fee assessed if the meeting is held at the district office and is for a

project on a single-family residential lot that is less than one acre. However, if the meeting for this type of project is held at the project site, the fee is \$100. There is no fee for meetings concerning cranberry production activities.

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