



Telephone: (517) 373-5383 Fax: (517) 373-1986 TDD: (517) 373-0543

Senate Bills 1450 and 1451 (as introduced 8-11-10)

Sponsor: Senator Patricia L. Birkholz

Committee: Natural Resources and Environmental Affairs

Date Completed: 9-15-10

## **CONTENT**

Senate Bills 1450 and 1451 would amend Parts 301 (Inland Lakes and Streams) and 303 (Wetland Protection), respectively, of the Natural Resources and Environmental Protection Act to delay from October 1, 2010, until October 1, 2014, a sunset on provisions regarding a preapplication meeting for a permit under Part 301 or 303.

The bills are described in detail below.

## Senate Bill 1450

Part 301 requires a person to obtain a permit from the Department of Natural Resources and Environment (DNRE) before engaging in certain activities, such as dredging or filling bottomlands, constructing a marina, or structurally interfering with the natural flow of an inland lake or stream. Section 30104b states that Section 30306b (which provides for preapplication meetings between the DNRE and permit applicants, as described below) applies to Part 301.

Section 30104b is set to expire on October 1, 2010. The bill would delay the sunset for four years.

### Senate Bill 1451

The bill would repeal Enacting Section 1 of Public Act 592 of 2006, which established an October 1, 2010, expiration date on Section 30306b. The bill instead would establish an October 1, 2014, sunset.

MCL 324.30104b (S.B. 1450) 324.30306b (S.B. 1451)

### **BACKGROUND**

Part 303 of the Natural Resources and Environmental Protection Act requires a person to obtain a permit from the Department of Natural Resources and Environment before engaging in certain activities involving a wetland, such as depositing fill material, dredging soil or minerals, operating any use or development of a wetland, or draining surface water from a wetland.

Page 1 of 2 sb1450&1451/0910

Under Section 30306b, if a landowner or another person authorized in writing by the landowner requests a preapplication meeting, the Department of Natural Resources and Environment must meet with the person or his or her representative to review a proposed wetlands project or proposed wetlands permit application. The meeting must take place at the DNRE's district office for the district that includes the project site or at the project site itself, as specified in the request.

The request must be accompanied by a fee of \$150 for a meeting at the district office, or, for a meeting at the project site, \$250 for the first acre or portion of an acre of project area, plus \$50 for each additional acre or portion of an acre, up to \$1,000. If the project location is a single-family residential lot of less than one acre, however, there is no fee for a meeting at the district office, and the fee for a meeting at the project site is \$100.

If the person withdraws the request at least 24 hours before the meeting, the Department may agree with the person to reschedule the meeting, or promptly must refund the fee and does not have to meet. Otherwise, if the person is not represented at the meeting after agreeing to the time and place, the person must forfeit the fee. If the DNRE is not represented at the meeting, it must refund the fee and send a representative to a rescheduled meeting to be held within 10 days of the first scheduled meeting date.

Any written agreement provided by the DNRE as a result of the preapplication meeting regarding the need to obtain a permit is binding on the Department for two years from the date of the agreement.

Legislative Analyst: Julie Cassidy

# **FISCAL IMPACT**

The bills would extend the sunset on fees the Department collects when applicants apply for various types of environmental permits. These fees are credited to the Land and Water Management Permit Fee Fund and account for a significant part of the Fund's revenue. In FY 2008-09, the Fund had revenues of \$2,474,500. The fees are used to support various programs within the Water Resource Division of the DNRE as well as administrative units in the Department.

Fiscal Analyst: Josh Sefton

This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.