



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

House Bill 5055 (Substitute S-1 as reported) Sponsor: Representative Doug Bennett

House Committee: Great Lakes and Environment

Senate Committee: Natural Resources and Environmental Affairs

CONTENT

The bill would amend Part 301 (Inland Lakes and Streams) of the Natural Resources and Environmental Protection Act to do the following:

- -- Delete the marina operating permit requirement and the \$50 fee for renewal of a marina operating permit.
- -- Provide that a permit would not be required for the annual installation of a seasonal dock or other mooring structure previously authorized by a permit.

The bill also would require the DEQ to issue a permit to construct, expand, or reconfigure a marina if the Department determined that the marina met the conditions of Section 30106 (described below) and all of the following conditions: The marina extended from riparian property of the applicant; the marina did not unreasonably interfere with navigation; and the marina was located and designed to be operated consistently with the correlative rights of other riparians, including the rights of adjacent riparians.

The owner or operator of a marina existing on the bill's effective date that had not been authorized by a permit under Part 301 would have to obtain a permit before expanding or reconfiguring the marina, or by January 1, 2012, whichever occurred first. The owner or operator of a marina existing on the bill's effective date that had been authorized by a construction permit under Part 301 would not need to obtain a new construction permit except to expand or reconfigure.

(Section 30106 requires the DEQ to issue a permit if it finds that the structure or project will not adversely affect the public trust or riparian rights. The DEQ may not grant a permit if the proposed project or structure will unlawfully impair or destroy any of the waters or natural resources of the State.)

MCL 324.30101 et al. Legislative Analyst: Julie Cassidy

FISCAL IMPACT

The bill would eliminate the \$50 annual fee for the renewal of a marina operating permit. This would reduce funding for the program by approximately \$20,000 per year. However, eliminating the need to issue permits for seasonal docks would save the Department in excess of \$175,000, leading to net savings of over \$155,000 per year.

The savings this bill would provide are necessary to support the Governor's FY 2009-10 DEQ budget recommendation.

Date Completed: 9-21-09 Fiscal Analyst: Josh Sefton