

AQUATIC INVASIVE PLANT SPECIES GRANT PROGRAM

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Senate Bill 1136 as enacted

Public Act 671 of 2018

Sponsor: Sen. David Robertson

House Committee: Natural Resources

Senate Committee: Natural Resources

Complete to 2-12-19

Analysis available at

<http://www.legislature.mi.gov>

SUMMARY:

Senate Bill 1136 would amend Part 414 of the Natural Resources and Environmental Protection Act (NREPA) to create a grant program for the control and eradication of *aquatic invasive plant species* within Michigan inland lakes.

Aquatic invasive plant species would mean an aquatic plant species, hybrid, or genotype that is not native and whose introduction causes, or is likely to cause, economic or environmental harm or harm to human health.

Part 414 is titled “Aquatic Invasive Species Advisory Council.” Created on December 21, 2011 and repealed on December 21, 2015 via Public Act 286 of 2011,¹ the council was required to issue recommendations to the Department of Environmental Quality (DEQ) regarding an aquatic invasive species management plan and to submit a report to the legislature and governor with recommendations on the funding necessary to implement the management plan.

Inland Lake Aquatic Invasive Species Control and Eradication Program

The bill would rename Part 414 as “Aquatic Invasive Species” and would require the DEQ to establish an inland lake aquatic invasive species control and eradication program, which would provide grants to *eligible applicants* for *eligible projects* for the control or eradication of inland lake aquatic invasive plant species, using chemical, physical, or biological methods or a combination of those. Grants could include funding for the costs of a vegetation management plan, required monitoring, and associated permit fees.

An *eligible applicant* would have to meet both of the following:

- Be a legally constituted lake association or nonprofit organization, property owners association, homeowners association, lake board, or special assessment district.
- Have demonstrated that a permit from the DEQ is in effect to conduct the project’s control or eradication activities.

An *eligible project* would have to meet all of the following:

- Public access to the inland lake is available for all activities associated with the project.

¹ See, <http://legislature.mi.gov/doc.aspx?2011-SB-0510>.

- The waterbody has vegetation management goals created by a licensed commercial applicator or lake manager.
- All survey, control, eradication, and documentation activities are completed by a qualified scientist, technician, licensed commercial aquatic applicator, or university representative.
- All control or eradication activities use best management practices.
- The products used are approved or authorized by the United States Environmental Protection Agency, the DEQ, or the Michigan Department of Agriculture and Rural Development for control or eradication activities.

Inland Lake Aquatic Invasive Species Control and Eradication Grant

An eligible applicant that wishes to receive a grant would have to submit an application to the DEQ containing the information required by the DEQ by July 1. By September 1, the DEQ would have to notify each applicant whether its application has been approved. The DEQ would be able to require an applicant that receives a grant to enter into a grant agreement with the DEQ prior to the issuance of the grant.

Under the bill, the DEQ would issue grants considering the following priorities:

- Permit fees associated with an eligible project.
- Eligible projects to manage pioneer infestations of inland lake aquatic invasive plant species.
- Eligible projects to prevent or control the further spread of inland lake aquatic invasive plant species.
- Eligible projects for recurring maintenance control.

Additionally, an eligible applicant that submits an application but does not receive a grant due to lack of available funds would be given special consideration the following year.

Inland Lake Aquatic Invasive Species Control and Eradication Fund

The bill would create the Inland Lake Aquatic Invasive Species Control and Eradication Fund within the state treasury. The treasurer could receive money or other assets from any source for deposit into the fund. The treasurer would have to direct the investment of the fund and credit to the fund interest and earnings from investments.

Any money remaining in the fund at the close of the fiscal year would remain in the fund and not lapse to the general fund.

The DEQ would be the administrator of the fund for auditing purposes and would have to expend money from the fund, upon appropriation, only for inland lake aquatic invasive plant species control or eradication grants and grant administration of up to 3% of annual available funding.

The bill will take effect March 29, 2019.

MCL 324.41401 et al.

FISCAL IMPACT:

Senate Bill 1136 would increase costs for the Department of Environmental Quality by requiring the department to establish a new inland lake aquatic invasive plant species control and eradication program. This program would provide grants for projects to eradicate and control aquatic invasives in inland lakes. The bill does not specify a revenue source or provide an appropriation to support the program; the extent of the net cost increase is consequently unclear. The DNR has administered an invasive species prevention and control program annually funded by \$5.0 million GF/GP since FY 2014-15; this program is ongoing in FY 2018-19.

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