



Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536



BILL ANALYSIS

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

Senate Bills 1450 and 1451 (as enacted)
Sponsor: Senator Patricia L. Birkholz
Senate Committee: Natural Resources and Environmental Affairs
House Committee: Appropriations

PUBLIC ACTS 179 & 180 of 2010

Date Completed: 1-3-11

RATIONALE

The Natural Resources and Environmental Protection Act provides for a preapplication meeting between a landowner and the Department of Natural Resources and Environment with regard to a permit to engage in certain activities involving wetlands and inland lakes and streams. (The preapplication meeting process is described below, under **BACKGROUND**.) Originally, the preapplication meeting provisions were set to expire on October 31, 2010. It was suggested that the sunset be delayed for five years.

between the DNRE and permit applicants, as described below) applies to Part 301.

Previously, Section 30104b was set to expire on October 1, 2010. The bill delayed the sunset for five years.

Senate Bill 1451

The bill repealed Enacting Section 1 of Public Act 592 of 2006, which established an October 1, 2010, expiration date on Section 30306b. The bill instead established an October 1, 2015, sunset.

CONTENT

Senate Bills 1450 and 1451 amended 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, 2015, a sunset on provisions regarding a preapplication meeting for a permit under Part 301 or 303.

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.

The bills took effect on September 30, 2010.

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

Under Section 30306b, if a landowner or another person authorized in writing by the landowner requests a preapplication meeting, the DNRE must meet with the person or his or her representative to review a proposed wetland project or proposed wetland 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.

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

The opportunity to meet with DNRE officials before submitting a permit application helps to inform landowners of their options and obligations with regard to wetland projects, and ensure that permit applications are complete. This mechanism has been working well for the last several years, and serves as a model for other programs within the DNRE. Continuing to allow this option for another five years will benefit property owners and the Department.

Legislative Analyst: Julie Cassidy

FISCAL IMPACT

The bills 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 revenue 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

[A0910\1450ea](#)

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.