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House Bill 4257 (Substitute S-7 as reported by the Committee of the Whole)

Sponsor: Representative Brian Palmer

House Committee: Great Lakes and Tourism

Senate Committee: Natural Resources and Environmental Affairs

CONTENT

The bill would amend the Natural Resources and Environmental Protection Act to:

- Permit a person to perform beach maintenance activities without a permit from the Department of Environmental Quality (DEQ) under Part 303 (Wetland Protection) or Part 325 (Great Lakes Submerged Lands), until November 1, 2007.
- Define "beach maintenance activities" as manual or mechanized leveling of sand, mowing of vegetation not to exceed the width of the property or 100 feet, manual de minimis removal of vegetation, grooming of soil, and construction and maintenance of a path not wider than six feet, in the area of Great Lakes bottomlands lying beneath the ordinary high-water mark and above the water's edge.
- Prohibit beach maintenance activities from occurring in environmental areas, violating Part 365 (Endangered Species Protection) or the Federal Endangered Species Act, or exceeding the width of the riparian property or 100 feet, whichever was less.
- Require the DEQ Director to identify two areas of Great Lakes and Lake St. Clair shoreline where the manual or mechanized removal of vegetation between the ordinary high-water mark and the water's edge, would be allowed without a permit for three years after the bill's effective date.
- Require a landowner, before removing vegetation from an identified shoreline, to obtain a letter of approval from the DEQ confirming that the area had been used as a recreational beach since 1964 and was not an environmental area, and that the removal of vegetation would not violate Part 365 or the Endangered Species Act.
- Specify that the area of vegetation removal on an identified shoreline could not exceed the greater of 50% of the property width or 100 feet; or, if the property were commercial and used for recreation or leisure, could not exceed the greater of 50% of the width or 400 feet.
- Require the Director to designate additional areas within one year, unless he or she determined that additional designations would result in pollution, impairment, and destruction to the natural resources of the State.
- Allow the DEQ, after an opportunity for a public hearing, to issue general permits on a statewide basis or within a local unit of government for a category of similar activities that would have minimal environmental effects; allow a general permit to be issued for the mowing of vegetation or the removal of vegetation in the area between the ordinary high-water mark and the water's edge; and provide that a general permit would not be valid for more than five years.
- Establish, until October 1, 2004, a \$100 fee for a project in a category of activities for which a general permit was issued, and a \$50 for a permit to remove vegetation in an area that was not more than 100 feet wide or the width of the property, or to mow vegetation in excess of that width.
- Require the Director to submit to the Legislature and the Governor a report that evaluated the beach maintenance activities and recommended statutory changes.

MCL 324.30301 et al.

Legislative Analyst: Claire Layman

FISCAL IMPACT

The bill would have an indeterminate fiscal impact on the State. People who are currently required to pay \$200 for a permit to conduct beach maintenance activities would no longer need to obtain a permit and less revenue would be expected.

The bill also would establish new permit fees for the mowing or removal of vegetation in an area that was not more than 100 feet wide or the width of the property, whichever was less. An individual permit fee of \$50 would be established for these activities in certain wetland areas and a general permit for these activities on Great Lakes bottomland areas would require a fee of \$100. This would offset the decrease in fee revenue expected as a result of the permit exemption for beach maintenance activities. In addition, the bill would exempt property owners in the two areas designated by the Director of the Department of Environmental Quality from paying permit fees for three years. It is unknown how many permits would be issued for each of these activities.

Date Completed: 5-28-03

Fiscal Analyst: Jessica Runnels

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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.