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SFA**BILL ANALYSIS**

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House Bill 4257 (Substitute H-4 as passed by the House)
Sponsor: Representative Brian Palmer
House Committee: Great Lakes and Tourism
Senate Committee: Natural Resources and Environmental Affairs

Date Completed: 5-6-03

CONTENT

The bill would amend the Natural Resources and Environmental Protection Act to allow a person to perform beach maintenance activities on Great Lakes riparian lands without a permit from the Department of Environmental Quality (DEQ) under Part 303 (Wetland Protection) or Part 325 (Great Lakes Submerged Lands).

Under the bill, "beach maintenance activities" would include manual or mechanized leveling of sand, mowing, removal of vegetation, and grooming, affecting not more than the top four inches of soil in an area of Great Lakes riparian lands lying between the ordinary high-water mark and the water's edge but not lying within an environmental area as defined in Section 32301 of the Act. (Section 32301 defines "environmental area" as an area of the shoreland determined by the DEQ on the basis of studies and surveys to be necessary for the preservation and maintenance of fish and wildlife.)

The bill would define "grooming" as raking or dragging, pushing, or pulling metal teeth through soil. "Leveling of sand" would mean the relocation of sand within areas of the property being leveled, including redistribution, grading, and spreading of sand that had been deposited through wind or wave action onto upland riparian property. "Mowing" would mean the cutting of vegetation.

Under Part 303, a person must obtain a permit from the DEQ in order to engage in various activities involving a wetland, such as dredging or removing soil, or draining surface water. Part 303 also allows specific activities without a permit, subject to other applicable State laws and the owner's regulation. The bill would add beach maintenance activities to the permissible activities, as long as the activities did not violate Part 365 (Endangered Species Protection) or the Federal Endangered Species Act or rules promulgated under that Act. In addition, all collected human-made debris would have to be removed from the Great Lakes and riparian lands lying lakeward of the ordinary high-water mark.

Under Part 325, a person is prohibited from doing the following without a permit from the DEQ or authorization granted by the Legislature:

- Constructing, dredging, commencing, or doing any work with respect to a body of water or waterway for the purpose of ultimately connecting the waterway with any of the Great Lakes.
- Connecting a body of water or waterway with any of the Great Lakes, for any purpose.
- Dredging or placing spoil or other material on bottomland.
- Constructing a marina.

The bill specifies that no permit or other approval would be required for beach maintenance activities, as long as the activities did not violate Part 365 or the Federal Endangered Species Act, and all collected human-made debris was removed from the Great Lakes and riparian lands lying lakeward of the ordinary high-water mark.

MCL 324.30301 et al.

Legislative Analyst: Julie Koval

FISCAL IMPACT

The State would lose an indeterminate amount of permit revenue as result of the bill. Individuals who are currently required to pay \$200 for a permit to conduct beach maintenance activities would no longer need to obtain a permit.

Fiscal Analyst: Jessica Runnels