



Senate Fiscal Agency  
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## BILL ANALYSIS



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Senate Bill 264 (as enacted)  
Sponsor: Senator Tom Casperson  
Senate Committee: Outdoor Recreation and Tourism  
House Committee: Natural Resources

**PUBLIC ACT 87 of 2013**

Date Completed: 7-29-15

**CONTENT**

**The bill amended the Natural Resources and Environmental Protection Act to do the following:**

- **Provide that a permit to dredge or fill bottomland under Part 301 (Inland Lakes and Streams) or Part 325 (Great Lakes Submerged Bottomlands) is valid for five years.**
- **Prohibit the Department of Environmental Quality (DEQ) from requiring additional environmental studies or surveys during the five-year term.**
- **Allow open lake disposal of dredge material that is not contaminated with toxic substances under a Part 325 dredging permit, under certain circumstances.**
- **Establish a 60-day application processing period for a minor project under Part 325 or an authorization to proceed under a general permit under Part 301 or 325.**

The bill took effect on June 28, 2013.

**Dredging or Filling Bottomland**

Part 301 requires a person to obtain a permit from the DEQ in order to engage in certain activities, including dredging or filling bottomland. Subject to certain exceptions, Part 325 prohibits a person from engaging in certain activities, including dredging or placing spoil or other material on bottomland, without a permit from the DEQ.

Under the bill, a permit under Part 301 or 325 to dredge or place dredged spoil on bottomland is valid for five years. During the permit term, the DEQ may not require additional environmental studies or surveys, unless an act of God results in significant geological or ecological changes to the permitted area.

In addition, at the discretion of the applicant, a dredging permit under Part 325 must allow open lake disposal of dredge material that is not contaminated with toxic substances as defined in R 323.1205 of the Michigan Administrative Code in water at the 30-meter depth contour or deeper. However, dredge materials may not be disposed of or placed within a Great Lake bottomland preserve, a permitted submerged log removal area, or a Lake Trout or Diporeia refuge. (Under R 323.1205, "toxic substance" means a substance that is present in a sufficient concentration or quantity that is or may become harmful to plant or animal life or designated uses.)

The bill also amended Part 31 (Water Resources Protection) to prohibit the open water disposal of dredge materials that are contaminated with toxic substances as defined in R

323.1205. Previously, this part prohibited the open water disposal of contaminated dredge materials.

### Permit Processing Periods

Part 13 prescribes various processing periods for applications for permits required by the Act. Generally, for a permit under Part 301, the processing period is 60 days or, if a public hearing is held on the application, 120 days. For a permit for a minor project under Part 301, the processing period is 60 days. (The DEQ must establish minor project categories of activities and projects that are similar in nature, have minimal adverse environmental effects when performed separately, and will have only minimal cumulative adverse effects on the environment.)

Under the bill, the 60-day processing period also applies to a minor project under Part 325 or an authorization for a specific project to proceed under a general permit issued under Part 301 or Part 325. (Those parts provide for the DEQ to issue general permits on a statewide basis or within a local unit of government for projects that are similar in nature, have minimal adverse environmental effects when performed separately, and will have only minimal cumulative adverse effects on the environment.)

Previously, the processing period was 90 days, or 150 days if a public hearing was held, for a permit under Section 32503 or an authorization for a specific project to proceed under a general permit under Section 30312. (Section 32503 authorizes the DEQ to enter into agreements pertaining to water over and the filling in of submerged patented land. Section 30312 provides for minor project permits and general permits under Part 303 (Wetland Protection).) The bill deleted the reference to those sections, and applies this 90- or 150-day processing period to a permit under Part 325 except as provided above (for a minor project or authorization to proceed under a general permit).

MCL 324.1301 et al.

Legislative Analyst: Suzanne Lowe

### **FISCAL IMPACT**

The bill has no fiscal impact on State or local government.

Fiscal Analyst: Josh Sefton

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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.