

Legislative Analysis



SUBMERGED LOG RECOVERY

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Senate Bill 1181 as passed by the Senate

Sponsor: Sen. Patricia L. Birkholz

Senate Committee: Natural Resources and Environmental Affairs

House Committee: Conservation and Outdoor Recreation

First Analysis (12-1-04)

BRIEF SUMMARY: The bill would extend the expiration date of submerged log recovery permits to January 1, 2013.

FISCAL IMPACT: The bill would have no fiscal impact on the state or local units of government.

THE APPARENT PROBLEM:

Part 326 of the Natural Resources and Environmental Protection Act regulates the removal of submerged logs from the bottomlands of the Great Lakes and Lake St. Clair. These logs are the property of the state, and Part 326 ensures that the state is properly compensated for the private use of its property and protects the natural resources of the Great Lakes.

Part 326 came about only a few years ago, through the enactment of Public Act 278 of 2000, amid increasing interest in removing these submerged logs. It is estimated that there are millions of old growth sunken logs at the bottom of the Great Lakes, including one million at the bottom of Lake Superior alone. These dense and finely grained logs have a tremendous economic value when used for a variety of wood products because they are unique and largely irreplaceable. They are the remnants of the clearcutting of the Upper Midwest's old growth forests that took place between the late 1800's and early 1900's, and grew in conditions that no longer exist today.

Permits issued under Part 326 may not be effective for a term of more than five years and may not be effective beyond December 31, 2006. However, several problems have prevented permit holders from beginning the recovery process. Many permits also require approval from the Army Corps of Engineers under the federal Rivers and Harbors Act, which has held up recovery activities. Moreover, the approval of other permits has been tied up because of pending legal action brought by several affected Native-American tribes. As a result, legislation extending the effectiveness of the recovery permits has been introduced.

THE CONTENT OF THE BILL:

The bill would amend Part 326 (Great Lakes Submerged Log Recovery) of the Natural Resources and Environmental Protection Act to provide that each submerged log removal

permit would expire on January 1, 2013. The bill would also require an applicant to notify the Department of Environmental Quality of the date on which the federal government issued its approval for the permit.

Under current law, permits to remove submerged logs from Great Lakes bottomlands may not be effective for a term of more than five years and the DEQ cannot issue a permit that is effective beyond December 31, 2006. These provisions would be deleted. In addition, the act provides that permits shall not be issued after December 31, 2003.

MCL 324.32607

HOUSE COMMITTEE ACTION:

The House Committee on Conservation and Outdoor Recreation reported the bill as it passed the Senate.

ARGUMENTS:

For:

The bill is necessary to ensure that recovery of submerged logs in the bottomlands of the Great Lakes actually occurs. Under current law, permits are effective for a period of five years but are not effective beyond December 31, 2006. Although permits have been approved by the Department of Environmental Quality, recovery efforts have not commenced because of issues with the Army Corps of Engineers and local Native-American tribes. Given the delay, the permits have not been in effect and it is clear that recovery efforts will not be completed by the end of 2006. The bill, then, extends the effectiveness of the permits by six years. This should enable permit holders to fully engage in their recovery efforts once the issues with the Corps of Engineers and tribal governments are resolved.

POSITIONS:

The Department of Environmental Quality supports the bill. (12-1-04)

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