



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 Bill 1040 (Substitute S-1 as reported)

Sponsor: Senator Patricia L. Birkholz

Committee: Natural Resources and Environmental Affairs

## **CONTENT**

The bill would amend Part 301 (Inland Lakes and Streams) of the Natural Resources and Environmental Protection Act to authorize the Department of Environmental Quality (DEQ), after notice and an opportunity for a public hearing, to issue a general permit on a statewide basis or within a local unit of government for projects that were similar in nature for the removal of qualifying small dams that would cause only minimal adverse environmental effects when performed separately, and that would have only minimal cumulative adverse effect on the environment.

The bill would prescribe a \$50 fee for authorization under a general permit for the removal of a qualifying small dam. A general permit could not be valid for more than five years.

"Qualifying small dam" would mean a dam that meets all of the following conditions:

- The height of the dam is less than two feet.
- The impoundment from the dam covers less than two acres.
- The dam does not serve as the first dam upstream from the Great Lakes or their connecting waterways.
- The dam is not serving as a sea lamprey barrier.
- There are no threatened or endangered species that have been identified in the area that would be affected by the project.
- There are no known areas of contaminated sediments in the area that would be affected by the project.
- The DEQ has received written permission for the dam's removal from all riparian property owners adjacent to the dam's impoundment.

In addition, the bill would require the DEQ to post on its website a list of pending applications, public notices, and public hearing schedules under Part 301.

MCL 324.30101 et al.

Legislative Analyst: Julie Koval

## **FISCAL IMPACT**

It is unknown how many small dams would be eligible for removal authorization under the proposed general permit. It is likely that eligible dams would be a subset of those constructed under Part 307 (Inland Lake Levels) of the Act, of which there are 235. If all of these dams were removed, the \$50 fee would generate aggregate revenue of \$11,750, which would be deposited into the Land and Water Fee Fund and used solely for administration of land and water programs. (Larger dams are constructed under Part 315 (Dam Safety). Their removal could have a more significant environmental impact than allowable under the proposed general permit. There are 813 dams regulated by Part 315.)

Date Completed: 2-15-06

Fiscal Analyst: Jessica Runnels