

Legislative Analysis



SIMPLIFIED PERMIT APPLICATIONS IN HIGH-WATER CONDITIONS

Phone: (517) 373-8080
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Senate Bill 714 (proposed substitute H-3)

Sponsor: Sen. Roger Victory

House Committee: Natural Resources and Outdoor Recreation

Senate Committee: Environmental Quality

Complete to 12-3-20

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

Senate Bill 714 would amend Part 325 (Great Lakes Submerged Lands) of the Natural Resources and Environmental Protection Act to create a simplified application for permits, including for shoreline protection structures, under certain circumstances.

Currently under the act, permits are required for certain construction activities. The bill would direct the Department of Environment, Great Lakes, and Energy (EGLE) to develop and make available a simplified application for a permit under Part 325 when the water level of any of the Great Lakes or Lake St. Clair is one foot or more above its ordinary high-water mark.

Under NREPA, the ordinary high-water mark of those lakes is at the following elevations above sea level:

- Lake Superior: 601.5 feet
- Lakes Michigan and Huron: 579.8 feet
- Lake St. Clair: 574.7 feet
- Lake Erie: 571.6 feet

The bill would provide that the ordinary high-water mark is the greater of the numeric level specified above or the elevation of the surface of the lake during calm water.

An applicant could use the new simplified application for a shoreline protection structure if all of the following requirements are met:

- The project falls within a shoreline protection minor project category established under Part 325.
- The work has not been done in violation of a permit requirement under Part 325.

The simplified permit application would have to include all of the following:

- The name, address, and telephone number of the property owner and any other contact information required by EGLE.
- The location of the proposed structure by address and legal description.
- Descriptions of the purpose of the project and project construction.
- A plan showing the project on an adequate scale with contours and cross-section profiles.
- Other relevant information required by EGLE.

Finally, the bill would set the application period at 14 days and the processing period at 28 days, notwithstanding the time frames described in sections 1301 and 1305 of NREPA.

MCL 324.32502 and proposed MCL 324.32517

FISCAL IMPACT:

Senate Bill 714 may increase costs for EGLE by requiring the department to develop a simplified permit application. These costs are likely to be covered by extant appropriations as the bill is unlikely to affect EGLE revenues. The magnitude of a potential cost increase is unclear, though EGLE has developed permit applications previously. The FY 2020-21 EGLE budget is \$511.4 million Gross (\$59.4 million GF/GP). The bill is unlikely to change costs or revenues for local governments.

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