

Legislative Analysis



WETLANDS PROTECTION: NO CONDITIONS ON PERMIT FOR CERTAIN ROAD WORK

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House Bill 5274

Sponsor: Rep. Tom Casperson

Committee: Transportation

Complete to 3-31-04

A SUMMARY OF HOUSE BILL 5274 AS INTRODUCED 11-6-03

The bill would amend Part 303 of the Natural Resources and Environmental Protection Act (MCL 324.30312), which deals with the protection of wetlands, to specify that the Department of Environmental Quality could not impose conditions on a permit regarding the mitigation of the impact of a discharge of fill materials for an activity that was undertaken in conjunction with road work, without the consent of the entity with legal jurisdiction over the road, if both of the following requirements were met: a) the road was in existence on the effective date of the bill; and b) the activity took place within the right of way of the road.

Under the law, the Department of Environmental Quality can issue general permits on a statewide basis for a category of activities, if it determines that the activities will cause only minimal adverse environmental effects when performed separately and cumulatively. In addition, the department can impose conditions on a permit for a use or development, if the conditions are designed to do any of the following: a) remove an impairment to the wetland benefits; b) mitigate the impact of a discharge of fill materials; or c) otherwise improve the water quality.

The bill would define "road" to mean a city or village street, county road, or state trunk line highway. "Road work" would be defined to mean the maintenance, repair, improvement, or reconstruction of a road. Road work does not include the construction of a road.

FISCAL IMPACT:

The bill would have an indeterminate fiscal impact on local governmental units. The bill would allow the Department of Environmental Quality to issue a general permit to county road commissioners for wetland management activities within a road right of way. This could result in a fiscal savings for the responsible agency.

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