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Senate Bill 741 (as introduced 9-30-2003)  
Sponsor: Senator Patricia L. Birkholz  
Committee: Natural Resources and Environmental Affairs

Date Completed: 11-4-03

### **CONTENT**

**The bill would amend the Natural Resources and Environmental Protection Act to modify the definition of "critical dune area" to include certain public lands, and exclude other geographic areas, as proposed by the Center for Remote Sensing at Michigan State University; and to require the Department of Environmental Quality (DEQ) to notify affected local units of government and property owners of the change.**

Currently, "critical dune area" means a geographic area designated in the Atlas of Critical Dune Areas prepared by the DEQ and dated February 1989. The bill would require that the atlas be modified to include all additional geographic areas located on public lands that were proposed for inclusion in the critical dune area designation as provided in the document, "Proposed Changes to Existing Critical Dune Areas, May 1997", prepared by the Center for Remote Sensing; and to exclude all geographic areas proposed to be removed from designation as critical dune areas in the same document.

The bill would require the DEQ to notify by mail each local unit of government that had within its jurisdiction one or more geographic areas that had been designated as critical dune areas as a result of the change in the critical dune area definition. The DEQ also would have to mail notice to each property owner of record who owned property within a geographic area no longer designated as a critical dune area as a result of the change in the definition. The bill would repeal Section 35303 of the Act, which required the DEQ to notify local units of government and property owners of the original critical dune designation by July 5, 1989.

Finally, the bill would require the DEQ, at least every 10 years, to appoint a team of qualified ecologists (who could be employed by the Department or who could be contract employees) to review the designations of critical dune areas. The review team would have to evaluate the accuracy of the designations and recommend to the Legislature any changes to the critical dune areas that would provide more precise protection to the targeted resource. (The Act required the same information from a team that had to be appointed by May 23, 1995.)

MCL 324.35301 & 324.35311

Legislative Analyst: Claire Layman

### **FISCAL IMPACT**

The bill would have an indeterminate impact on State and local government. It would change the geographic areas to which the designation of "critical dune area" applies. It is unknown how the number of acres of critical dune area in the State would change as a result of the bill. The DEQ issues permits for certain activities in these areas and permitting responsibilities may increase or decrease as a result.

Fiscal Analyst: Jessica Runnels

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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.