

## NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT

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### Summary

The Natural Resources and Environmental Protection Act (NREPA) contains provisions addressing the regulation and management of the state's lands, waters, and natural resources. This includes definitions and standards pertaining to the use of water and soil in Michigan, as well as provisions that guide the use of renewable and nonrenewable resources.

### Background

The Department of Natural Resources (DNR) is the department with default responsibilities for administering NREPA. The Natural Resources Commission (NRC) is responsible for oversight of the DNR and has specific authority relating to hunting and fishing, including designating game species. The Department of Environment, Great Lakes, and Energy (EGLE) also has powers and duties under NREPA. In general, EGLE is responsible for ensuring compliance with regulations relating to land and water quality, such as compliance with provisions regulating emissions of hazardous substances. The Michigan Department of Agriculture and Rural Development (MDARD) also has responsibilities under the act regarding agricultural pollution and pollution prevention programs.

### Organization

NREPA is divided into articles and parts as follows:

[Article I](#) (Parts 1 to 27) contains general provisions, including the powers and duties of the DNR and the NRC; general information about how permits issued under the act are to be submitted; requirements relating to the Natural Resources Trust Fund; and other programs and obligations relating to environmental standards. The DNR is responsible for most parts under this article.

[Article II](#) (Parts 31 to 215) contains provisions relating to pollution control and prevention; waste management; recycling; remediation activities; underground storage tanks; and environmental funding. EGLE is responsible for most parts under this article relating to pollution control.

[Article III](#) (Parts 301 to 831) contains provisions relating to habitat management; outdoor recreation; and management of renewable and nonrenewable resources. Both the DNR and EGLE share responsibilities under this article, generally depending on whether the regulation relates to a renewable (DNR) or nonrenewable (EGLE) resource. Renewable resources under the article include fish and wildlife, as well as forests.

[Article VII](#) (Part 901) repealed the former public acts that were consolidated into NREPA. (Note: NREPA does not have an Article IV, V, or VI.)

### Recent Activity

The following acts amending NREPA were enacted in the 2021-22 legislative session:

2021 PA 6 ([HB 4126](#)) changed the allocation of fees collected for pheasant hunting licenses.

2021 PA 45 ([HB 4123](#)) allowed sewage or water projects that include certain energy and resource efficiencies to be eligible for clean water assistance or safe drinking water assistance.

2021 PA 91 ([HB 5003](#)) extended the expiration of certain fees collected by EGLE under NREPA and removed provisions related to a fee that expired on October 1, 2021.

2021 PA 123 ([SB 494](#)) extended the expiration of fees on pesticide registrations and fertilizer sales, eliminated provisions specifically concerning specialty pesticides, and required a biennial report.

2022 PA 1 ([HB 4035](#)) modified provisions concerning special assessments for lake level controls in the context of payments in lieu of taxes.

2022 PA 2 ([HB 4363](#)) changed certain public land management procedures of the DNR.

2022 PAs 14, 15, and 23 (HBs [4149](#), [4151](#), and [4152](#)) changed misdemeanor criminal penalties for certain violations of NREPA to civil infractions, with a fine of up to \$150.

2022 PA 30 ([HB 4242](#)) allowed minnows, wigglers, or crayfish taken from Michigan waters to be exported out of the state under certain circumstances and made related changes.

2022 PA 34 ([SB 251](#)) revised commercial fishing regulations, including increasing the depth at which certain nets can be set, changing the dates during which whitefish can be taken, and allowing a designee of the DNR to take fish for fish culture or scientific investigation.

2022 PAs 55, 56, and 57 (HBs [4205](#), [4206](#), and [4332](#)) required the DNR to allow individuals to operate a snowmobile on a snowmobile trail without registration or a trail permit sticker during one weekend of the snowmobile season.

2022 PAs 124 and 125 (HBs [5742](#) and [5743](#)), part of a larger bill package, allowed for a certificate of free sale from MDARD for pesticides and fertilizers and specified where the fees are deposited.

2022 PA 132 ([HB 5890](#)) revised requirements for sewage treatment and stormwater projects.

2022 PA 160 ([SB 991](#)) added requirements (and conditional exceptions) concerning the replacement of an underground storage tank within certain distances of public water wells.

2022 PAs 243 to 250 (HBs [4454](#) to [4461](#)) revised, rewrote, and reorganized laws concerning solid waste, including coal ash and recyclables.