

HOUSE BILL No. 5285

October 23, 1991, Introduced by Rep. Willis Bullard and referred to the Committee on Conservation, Recreation and Environment.

A bill to amend section 8 of Act No. 203 of the Public Acts of 1979, entitled
"Goemaere-Anderson wetland protection act,"
being section 281.708 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 8 of Act No. 203 of the Public Acts of
2 1979, being section 281.708 of the Michigan Compiled Laws, is
3 amended to read as follows:

4 Sec. 8. (1) Within 60 days after receipt of the completed
5 application and fee, the department may hold a hearing. If a
6 hearing is held, it shall be held in the county where the wetland
7 on which the permit is to apply is located. Notice of the hear-
8 ing shall be made in the same manner as for the promulgation of
9 rules under Act No. 306 of the Public Acts of 1969, as amended,
10 being sections 24.201 to ~~24.315~~ 24.328 of the Michigan Compiled

1 Laws. The department may approve or disapprove a permit
2 application without a public hearing unless a person requests a
3 hearing in writing within 20 days after the mailing of notifica-
4 tion of the permit application as required by subsection (3), or
5 the department determines that the permit application is of sig-
6 nificant impact to warrant a public hearing.

7 (2) If a hearing is not held, the department shall approve
8 or disapprove the permit application within 90 days after the
9 completed permit application is filed with the department. If a
10 hearing is held, the department shall approve or disapprove the
11 permit application within 90 days after the conclusion of the
12 hearing. The department may approve a permit application,
13 request modifications in the application, or deny the permit
14 application. If the department approves the permit application,
15 the department shall prepare and send the permit to the
16 applicant. If the department denies, or requests a modification
17 of, the permit application, the department shall send notice of
18 the denial or modification request, and the reasons for the
19 denial or the modifications requested to the applicant.
20 Department approval may include the issuance of a permit contain-
21 ing conditions necessary for compliance with this act. If the
22 department does not approve or disapprove the permit application
23 within the time provided by this subsection, the permit applica-
24 tion ~~shall be~~ IS considered approved, and the department ~~shall~~
25 ~~be~~ IS considered to have made the determinations required by
26 section 9. The action taken by the department may be appealed
27 pursuant to Act No. 306 of the Public Acts of 1969, as amended.

1 A property owner may, after exhaustion of administrative
2 remedies, bring appropriate legal action in a court of competent
3 jurisdiction.

4 (3) A person who desires notification of pending permit
5 applications may make a written request to the department accom-
6 panied by an annual fee of \$25.00 which shall be credited to the
7 general fund of the state. The department shall prepare a
8 biweekly list of the applications made during the previous 2
9 weeks and shall promptly mail copies of the list for the remain-
10 der of the calendar year to the persons who requested notice.
11 The biweekly list shall state the name and address of each appli-
12 cant, the location of the wetland in the proposed use or develop-
13 ment including the size of both the proposed use or development
14 and of the wetland affected, and a summary statement of the pur-
15 pose of the use or development.

16 (4) A municipality, by ordinance, may provide for more
17 stringent definition and regulation of wetland than is provided
18 under this act. This subsection is supplemental to the existing
19 authority of a municipality to protect wetland. Each municipal-
20 ity which adopts an ordinance regulating ~~wetlands~~ WETLAND shall
21 notify the department. The department shall develop an agreement
22 with each municipality which has an ordinance regulating
23 ~~wetlands~~ WETLAND. The agreement shall provide for an exchange
24 of information with the department including information regard-
25 ing the environmental impact of each proposed use or development
26 on ~~wetlands~~ WETLAND, the proposed decision on each application
27 for a proposed use or development on ~~wetlands~~ WETLAND, and

1 other information that may assist the municipality in
2 administering its ordinance. The agreement shall provide that
3 the department shall not issue a permit if the municipality has
4 denied permission for the permit under its ordinances, unless the
5 permit involves a use or development of regional or statewide
6 public benefit. The agreement shall require that the municipal-
7 ity use an application form supplied by the department, and that
8 each person applying for a permit make application directly with
9 the municipality. Upon receipt, the municipality shall forward a
10 copy of each application to the department. The department shall
11 begin reviewing the application as provided in this act. The
12 municipality shall review the application pursuant to its ordi-
13 nance and shall modify, approve, or deny the application within
14 60 days after receipt. The department shall inform any inter-
15 ested person whether a municipality has an ordinance regulating
16 ~~wetlands~~ WETLAND. If the department receives an application
17 with respect to a wetland which is located in a municipality
18 which has an ordinance regulating ~~wetlands~~ WETLAND, the depart-
19 ment immediately shall forward the application to the municipali-
20 ty, which shall modify, deny, or approve the application under
21 this subsection. The municipality shall notify the department of
22 its decision. The department shall proceed as provided in this
23 act.

24 (5) If a municipality does not have an ordinance regulating
25 ~~wetlands~~ WETLAND, the department shall promptly send a copy of
26 the permit application to the municipality where the wetland is
27 located. The municipality may review the application; may hold a

1 hearing on the application; and may recommend approval,
2 modification, or denial of the application to the department.
3 The recommendations of the municipality shall be made and
4 returned to the department within 45 days after the
5 municipality's receipt of the permit application. The department
6 shall approve, modify, or deny the application as provided in
7 this act.

8 (6) THE DEPARTMENT SHALL PROMPTLY SEND A COPY OF EACH PERMIT
9 ISSUED UNDER THIS ACT TO THE MUNICIPALITY THAT ISSUES BUILDING
10 PERMITS WITHIN THE AREA IN WHICH THE PERMITTED WETLAND USE IS
11 AUTHORIZED.