



**House  
Legislative  
Analysis  
Section**

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**WETLANDS PERMITS**

**AS ENROLLED**  
House Bill 4678 (Substitute H-2)  
First Analysis (5-26-93)

**Sponsor: Rep. Willis Bullard, Jr.**  
**Committee: Conservation, Environment,  
and Great Lakes Affairs**

***THE APPARENT PROBLEM:***

Currently, under the Goemaere-Anderson Wetland Protection Act, a municipality that adopts a wetlands ordinance may provide for a more stringent regulation of wetlands than is provided under the act, provided that it notifies the Department of Natural Resources (DNR). The DNR must develop agreements with such municipalities stating that, under most circumstances, the department could not issue a permit if the municipality had denied permission under its ordinance, and that each person applying for a permit would apply directly to the municipality, using an application form supplied by DNR. If a municipality has a wetlands within its boundaries, but does not have a wetlands ordinance, then the DNR must send it a copy of a wetlands permit application. The municipality then has 45 days in which to review the application, hold a hearing, and recommend approval, modification or denial of the permit to the department. The department must then approve, modify, or deny the application. Although the act does not specifically require that the DNR notify a municipality when it has issued a permit for a wetlands within that municipality's jurisdiction, the department maintains that it does so as a matter of routine. However, some areas of the state complain that this is not always the case, that the DNR has failed to notify them of the fact that a permit has been issued. Legislation has been introduced that would specify the DNR's obligations in this area.

***THE CONTENT OF THE BILL:***

House Bill 4678 would amend the Goemaere-Anderson Wetland Protection Act (MCL 281.708) to require that the Department of Natural Resources (DNR) notify a municipality when it had issued a permit within the municipality's jurisdiction. Under the bill, the DNR would be required to notify the municipality within 15 days after issuing

a permit and enclose a copy of the permit with the notice.

***FISCAL IMPLICATIONS:***

According to the Department of Natural Resources, the bill would have no impact on state funds. (5-25-93)

***ARGUMENTS:***

***For:***

The bill would require the Department of Natural Resources (DNR) to notify a municipality when it has issued a wetlands permit within that municipality's jurisdiction. Although many municipalities choose not to regulate the wetland areas within their jurisdiction, it is important that they have this source of information on activities within their communities. Although the DNR maintains that it currently complies with the provisions of the bill, the act does not specifically require it to do so. Many fear that the practice could be discontinued during future budget "crunches." This would be less likely to happen, however, if this provision were specifically provided for in the act.

***Against:***

The bill is unnecessary, as the DNR maintains it already provides the required notification.

***POSITIONS:***

The Michigan United Conservation Clubs supports the bill. (5-25-93)

The Michigan Municipal League has no position on the bill but supports the concept of notifying municipalities of wetland activities within their jurisdiction. (5-26-93)

House Bill 4678 (5-26-93)

The Department of Natural Resources opposes the  
bill. (5-26-93)