

SENATE BILL NO. 1323

September 23, 1998, Introduced by Senator JAYE and referred to
the Committee on Natural Resources and Environmental
Affairs.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending section 30311 (MCL 324.30311), as added by 1995 PA
59.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 30311. (1) A permit for an activity listed in section
2 30304 shall not be approved unless the department determines that
3 the issuance of a permit is in the public interest, that the
4 permit is necessary to realize the benefits derived from the
5 activity, and that the activity is otherwise lawful.

6 (2) In determining whether the activity is in the public
7 interest, the benefit which reasonably may be expected to accrue
8 from the proposal shall be balanced against the reasonably
9 foreseeable detriments of the activity. The decision shall
10 reflect the national and state concern for the protection of

1 natural resources from pollution, impairment, and destruction.

2 The following general criteria shall be considered:

3 (a) The relative extent of the public and private need for
4 the proposed activity.

5 (b) The availability of feasible and prudent alternative
6 locations and methods to accomplish the expected benefits from
7 the activity.

8 (c) The extent and permanence of the beneficial or detrimen-
9 tal effects that the proposed activity may have on the public and
10 private uses to which the area is suited, including the benefits
11 the wetland provides.

12 (d) The probable impact of each proposal in relation to the
13 cumulative effect created by other existing and anticipated
14 activities in the watershed.

15 (e) The probable impact on recognized historic, cultural,
16 scenic, ecological, or recreational values and on the public
17 health or fish or wildlife.

18 (f) The size of the wetland being considered.

19 (g) The amount of remaining wetland in the general area.

20 (h) Proximity to any waterway.

21 (i) Economic value, both public and private, of the proposed
22 land change to the general area.

23 (J) THE HUMAN HEALTH RISKS RELATED TO THE PRESENCE OF THE
24 WETLAND INCLUDING EXPOSURE TO RODENTS AND MOSQUITOES AND OTHER
25 WETLAND DEPENDENT INSECTS THAT MAY POSE A THREAT TO HUMAN HEALTH.

1 (3) In considering a permit application, the department
2 shall give serious consideration to findings of necessity for the
3 proposed activity which have been made by other state agencies.

4 (4) A permit shall not be issued unless it is shown that an
5 unacceptable disruption will not result to the aquatic
6 resources. In determining whether a disruption to the aquatic
7 resources is unacceptable, the criteria set forth in section
8 30302 and subsection (2) shall be considered. A permit shall not
9 be issued unless the applicant also shows ~~either~~ 1 of the
10 following:

11 (a) The proposed activity is primarily dependent upon being
12 located in the wetland.

13 (b) A feasible and prudent alternative does not exist.

14 (c) THE PROPOSED ACTIVITY WILL RESULT IN PUBLIC HEALTH
15 BENEFITS.