

**SUBSTITUTE FOR
HOUSE BILL NO. 6164**

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending section 30307 (MCL 324.30307), as amended by 2004 PA
325.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 30307. (1) Within 60 days after receipt of the completed
2 application and fee, the department may hold a hearing. If a
3 hearing is held, it shall be held in the county where the wetland
4 to which the permit is to apply is located. Notice of the hearing
5 shall be made in the same manner as for the promulgation of rules
6 under the administrative procedures act of 1969, 1969 PA 306, MCL
7 24.201 to 24.328. The department may approve or disapprove a permit
8 application without a public hearing unless a person requests a

1 hearing in writing within 20 days after the mailing of notification
2 of the permit application as required by subsection (3) or unless
3 the department determines that the permit application is of
4 significant impact **SO AS** to warrant a public hearing.

5 (2) The action taken by the department on a permit application
6 under this part and part 13 may be appealed pursuant to the
7 administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to
8 24.328. A property owner may, after exhaustion of administrative
9 remedies, bring appropriate legal action in a court of competent
10 jurisdiction.

11 (3) A person who desires notification of pending permit
12 applications may make a written request to the department
13 accompanied by an annual fee of \$25.00, which shall be credited to
14 the general fund of the state. The department shall prepare a
15 biweekly list of the applications made during the previous 2 weeks
16 and shall promptly mail copies of the list for the remainder of the
17 calendar year to the persons who requested notice. The biweekly
18 list shall state the name and address of each applicant, the
19 location of the wetland in the proposed use or development,
20 including the size of both the proposed use or development and of
21 the wetland affected, and a summary statement of the purpose of the
22 use or development.

23 (4) A local unit of government may regulate wetland within its
24 boundaries, by ordinance, only as provided under this part. This
25 subsection is supplemental to the existing authority of a local
26 unit of government. An ordinance adopted by a local unit of
27 government pursuant to this subsection shall comply with all of the

1 following:

2 (a) The ordinance shall not provide a different definition of
3 wetland than is provided in this part, except that a wetland
4 ordinance may regulate wetland of less than 5 acres in size.

5 (b) If the ordinance regulates wetland that is smaller than 2
6 acres in size, the ordinance shall comply with section 30309.

7 (c) The ordinance shall comply with sections 30308 and 30310.

8 (d) The ordinance shall not require a permit for uses that are
9 authorized without a permit under section 30305, and shall
10 otherwise comply with this part.

11 (5) Each local unit of government that adopts an ordinance
12 regulating wetlands under subsection (4) shall notify the
13 department.

14 (6) A local unit of government that adopts an ordinance
15 regulating wetlands shall use an application form supplied by the
16 department, and each person applying for a permit shall make
17 application directly to the local unit of government. Upon receipt,
18 the local unit of government shall forward a copy of each
19 application along with any state fees that may have been submitted
20 under section 30306 to the department. The department shall begin
21 reviewing the application as provided in this part. The local unit
22 of government shall review the application pursuant to its
23 ordinance and shall modify, approve, or deny the application within
24 90 days after receipt. If a ~~municipality~~ **LOCAL UNIT OF GOVERNMENT**
25 does not approve or disapprove the permit application within the
26 time period provided by this subsection, the permit application
27 shall be considered approved, and the ~~municipality~~ **LOCAL UNIT OF**

1 **GOVERNMENT** shall be considered to have made the determinations as
 2 listed in section 30311. The denial of a permit shall be
 3 accompanied by a written statement of all reasons for denial. The
 4 failure to supply complete information with a permit application
 5 may be reason for denial of a permit. ~~The~~ **IF REQUESTED, THE**
 6 department shall inform ~~any interested~~ **A** person whether or not a
 7 local unit of government has an ordinance regulating wetlands. If
 8 the department receives an application with respect to a wetland
 9 located in a local unit of government that has an ordinance
 10 regulating wetlands, the department immediately shall forward the
 11 application to the local unit of government, which shall modify,
 12 deny, or approve the application under this subsection. The local
 13 unit of government shall notify the department of its decision. The
 14 department shall proceed as provided in this part.

15 (7) If a local unit of government does not have an ordinance
 16 regulating wetlands, the department shall promptly send a copy of
 17 the permit application to the local unit of government where the
 18 wetland is located. The local unit of government may review the
 19 application; may hold a hearing on the application; ~~and~~ may
 20 recommend approval, modification, or denial of the application to
 21 the department **OR MAY NOTIFY THE DEPARTMENT THAT THE LOCAL UNIT OF**
 22 **GOVERNMENT DECLINES TO MAKE A RECOMMENDATION.** The ~~recommendations~~
 23 **RECOMMENDATION** of the local unit of government, **IF ANY,** shall be
 24 made and returned to the department **AT ANY TIME** within 45 days
 25 after the local unit of government's receipt of the permit
 26 application.

27 (8) In addition to the requirements of subsection (7), the

1 department shall notify the local unit of government that the
2 department has issued a permit under this part within the
3 jurisdiction of that local unit of government within 15 days of
4 issuance of the permit. The department shall enclose a copy of the
5 permit with the notice.