

Act No. 110  
Public Acts of 1993  
Approved by the Governor  
July 15, 1993  
Filed with the Secretary of State  
July 16, 1993

**STATE OF MICHIGAN  
87TH LEGISLATURE  
REGULAR SESSION OF 1993**

**Introduced by Reps. Bullard, Dobb, DeMars, Voorhees, Middleton, London and Middaugh**

# **ENROLLED HOUSE BILL No. 4678**

AN ACT to amend section 8 of Act No. 203 of the Public Acts of 1979, entitled "An act to provide for the preservation, management, protection, and use of wetlands; to require permits to alter certain wetlands; to provide for a plan for the preservation, management, protection, and use of wetlands; and to provide remedies and penalties," as amended by Act No. 295 of the Public Acts of 1992, being section 281.708 of the Michigan Compiled Laws.

*The People of the State of Michigan enact:*

Section 1. Section 8 of Act No. 203 of the Public Acts of 1979, as amended by Act No. 295 of the Public Acts of 1992, being section 281.708 of the Michigan Compiled Laws, is amended to read as follows:

Sec. 8. (1) Within 60 days after receipt of the completed application and fee, the department may hold a hearing. If a hearing is held, it shall be held in the county where the wetland on which the permit is to apply is located. Notice of the hearing shall be made in the same manner as for the promulgation of rules under the administrative procedures act of 1969, Act No. 306 of the Public Acts of 1969, as amended, being sections 24.201 to 24.328 of the Michigan Compiled Laws. The department may approve or disapprove a permit application without a public hearing unless a person requests a hearing in writing within 20 days after the mailing of notification of the permit application as required by subsection (3), or the department determines that the permit application is of significant impact to warrant a public hearing.

(2) If a hearing is not held, the department shall approve or disapprove the permit application within 90 days after the completed permit application is filed with the department. If a hearing is held, the department shall approve or disapprove the permit application within 90 days after the conclusion of the hearing. The department may approve a permit application, request modifications in the application, or deny the permit application. If the department approves the permit application, the department shall prepare and send the permit to the applicant. If the department denies, or requests a modification of, the permit application, the department shall send notice of the denial or modification request, and the reasons for the denial or the modifications requested to the applicant. Department approval may include the issuance of a permit containing conditions necessary for compliance with this act. If the department does not approve or disapprove the permit application within the time provided by this subsection, the permit application shall be considered approved, and the department shall be considered to have made the determinations required by section 9. The action taken by the department may be appealed pursuant to Act No. 306 of the Public Acts of 1969, as amended. A property owner may, after exhaustion of administrative remedies, bring appropriate legal action in a court of competent jurisdiction.

(3) A person who desires notification of pending permit applications may make a written request to the department accompanied by an annual fee of \$25.00 which shall be credited to the general fund of the state. The department shall prepare a biweekly list of the applications made during the previous 2 weeks and shall promptly mail copies of the list for the remainder of the calendar year to the persons who requested notice. The biweekly list shall state the name and

address of each applicant, the location of the wetland in the proposed use or development including the size of both the proposed use or development and of the wetland affected, and a summary statement of the purpose of the use or development.

(4) A municipality may regulate wetland within its boundaries, by ordinance, only as provided under this act. This subsection is supplemental to the existing authority of a municipality. An ordinance adopted by a municipality pursuant to this subsection shall comply with all of the following:

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

(b) If the ordinance regulates wetland that is smaller than 2 acres in size, the ordinance shall comply with section 8b.

(c) The ordinance shall comply with sections 8a and 8c.

(d) The ordinance shall not require a permit for uses that are authorized without a permit under section 6, and shall otherwise comply with this act.

(5) Each municipality that adopts an ordinance regulating wetlands under subsection (4) shall notify the department.

(6) A municipality that adopts an ordinance regulating wetlands shall use an application form supplied by the department, and each person applying for a permit shall make application directly with the municipality. Upon receipt, the municipality shall forward a copy of each application to the department. The department shall begin reviewing the application as provided in this act. The municipality shall review the application pursuant to its ordinance and shall modify, approve, or deny the application within 90 days after receipt. The denial of a permit shall be accompanied by a written reason for denial. The failure to supply complete information with a permit application may be reason for denial of a permit. The department shall inform any interested person whether or not a municipality has an ordinance regulating wetlands. If the department receives an application with respect to a wetland which is located in a municipality which has an ordinance regulating wetlands, the department immediately shall forward the application to the municipality, which shall modify, deny, or approve the application under this subsection. The municipality shall notify the department of its decision. The department shall proceed as provided in this act.

(7) If a municipality does not have an ordinance regulating wetlands, the department shall promptly send a copy of the permit application to the municipality where the wetland is located. The municipality may review the application; may hold a hearing on the application; and may recommend approval, modification, or denial of the application to the department. The recommendations of the municipality shall be made and returned to the department within 45 days after the municipality's receipt of the permit application. The department shall approve, modify, or deny the application as provided in this act.

(8) In addition to the requirements of subsection (7), the department shall notify the municipality that the department has issued a permit under this act within the jurisdiction of that municipality within 15 days of issuance of the permit. The department shall enclose a copy of the permit with the notice.

This act is ordered to take immediate effect.

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Co-Clerk of the House of Representatives.

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Secretary of the Senate.

Approved -----

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Governor.