

**NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT (EXCERPT)**  
**Act 451 of 1994**

\*\*\*\*\* 324.30329.added *THIS ADDED SECTION IS EFFECTIVE PENDING FUNDING APPROPRIATED BY THE LEGISLATURE (See compiler's note); THIS ADDED SECTION IS ALSO REPEALED BY ACT 120 OF 2009 EFFECTIVE APRIL 1, 2013* \*\*\*\*\*

**324.30329.added Wetland advisory council; creation; membership; appointment; term; vacancy; removal; meetings; election of chairperson and officers; quorum; compliance with open meetings act; writings subject to freedom of information act; service without compensation; reports; repeal of section.**

Sec. 30329. (1) The wetland advisory council is created within the department. The council shall consist of the following:

(a) The director of the department or his or her designee. The director of the department shall invite a representative of the United States army corps of engineers, a representative of the United States environmental protection agency, and a representative of the United States department of agriculture natural resource conservation service to also serve as members of the council.

(b) The director of the department of natural resources or his or her designee.

(c) The director of the department of agriculture or his or her designee.

(d) The following members appointed by the senate majority leader:

(i) One individual representing a statewide association of home builders.

(ii) One individual representing a statewide conservation organization.

(iii) One individual representing a statewide association of local units of government.

(iv) One individual representing a statewide association of manufacturers.

(e) The following members appointed by the speaker of the house of representatives:

(i) One individual representing a statewide environmental protection organization.

(ii) One individual representing the largest general statewide farm organization.

(iii) One individual representing a statewide association of realtors.

(iv) One drain commissioner representing an association of county drain commissioners.

(f) The following members appointed by the governor:

(i) One individual representing a watershed organization.

(ii) One individual representing natural gas or electric utilities.

(iii) One individual representing a conservation district.

(iv) One individual representing a statewide association of businesses.

(v) One individual representing the general public.

(vi) A university professor with expertise in wetland science.

(vii) A wetland professional who regularly submits applications for permits and obtains permits from the department.

(2) The appointments to the council under subsection (1) shall be made not later than 30 days after the effective date of the amendatory act that added this section.

(3) An appointed member of the council shall serve for a term of 3 years. If a vacancy occurs on the council, the vacancy shall be filled for the unexpired term in the same manner as the original appointment. The appointing officer may remove a member of the council for incompetence, dereliction of duty, malfeasance, misfeasance, or nonfeasance in office, or any other good cause.

(4) The first meeting of the council shall be called by the director of the department. At the first meeting, the council shall elect from among its members a chairperson and any other officers that it considers necessary or appropriate. After the first meeting, the council shall meet at least quarterly, or more frequently at the call of the chairperson or if requested by 2 or more members.

(5) A majority of the members of the council constitute a quorum for the transaction of business at a meeting of the council. A majority of the members present and serving are required for official action of the council.

(6) The business that the council may perform shall be conducted at a public meeting of the council held in compliance with the open meetings act, 1976 PA 267, MCL 15.261 to 15.275. A writing prepared, owned, used, in the possession of, or retained by the council in the performance of an official function is subject to the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

(7) Members of the council shall serve without compensation. However, a member of the council representing the department of natural resources, the department of agriculture, or the department shall serve without additional compensation.

(8) By October 1, 2010, the council shall submit a report to the governor, the department, and the standing committees and appropriations subcommittees of the legislature with primary responsibility over issues pertaining to natural resources and the environment. The report shall evaluate and make recommendations on all of the following:

(a) Improving the overall efficiency of the program under this part, including all of the following aspects of the permit application, review, and decision-making process:

(i) The quality of applications submitted.

(ii) The effect of mandatory decision-making time frames on meeting the purposes of this part, and, if appropriate, the time frames that should apply to decision-making under this part.

(b) The point in the department's process of decision-making on a permit application at which the possibility of mitigation should be considered.

(c) Actions necessary to adopt and implement measures determined by the United States environmental protection agency to support consistency with the requirements of section 404 of title IV of the federal water pollution control act, 33 USC 1344, as set forth in "Final Report Results of the U. S. Environmental Protection Agency Region 5 Review of Michigan Department of Environmental Quality's Section 404 Program", dated May 2008.

(9) By August 15, 2012, the council shall submit a report to the governor, the department, and the standing committees and appropriations subcommittees of the legislature with primary responsibility over issues pertaining to natural resources and the environment. The report shall evaluate and make recommendations on all of the following:

(a) Improving coordination and reducing duplication of effort with the United States army corps of engineers.

(b) Potential long-term changes in program structure, including all of the following:

(i) Scientific methods to achieve more consistent and accurate determinations of wetland functions and values for reviewing applications for permits, watershed planning, conservation plans, and other purposes. These methods include rapid wetland assessment and landscape level wetland assessment.

(ii) The appropriate role of local units of government and conservation districts in the administration of this part.

(iii) A certification process for wetland professionals. The council shall consider information reported under section 30303b in evaluating and making recommendations under this subparagraph.

(iv) The definition of wetland and wetland delineation methods, including the role of hydric soils as a factor in wetland delineation. In making recommendations under this subparagraph, the council shall evaluate differences in the state and federal wetland programs.

(c) The appropriate means and level of program funding under this part.

(d) Minor project categories and general permits under section 30312b(1) to (3).

(e) The appropriateness of the provisions of section 30304b as a means of reducing regulatory burdens from dual federal and state regulation.

(f) The promotion of the development of wetland mitigation banks.

(g) Ways for the public and interested parties to advise the department on a continuing basis concerning the administration and enforcement of this part.

(h) Appropriate regulation of the siting, construction, and operation of cranberry production activities, in light of the benefit of cranberry production activities to the economy, the regulatory approach of other states, and other factors.

(i) The feasible and prudent alternative standard under section 30311 and consistent application of the standard.

(j) Methods to assist both of the following in successfully obtaining permits under this part in a timely manner:

(i) Individuals proposing a use or activity for their personal homesite.

(ii) Nonprofit organizations.

(10) This section is repealed effective April 1, 2013.

**History:** Add. 2009, Act 120, Eff. (pending).

**Compiler's note:** Enacting section 1 of Act 120 of 2009 provides:

"Enacting section 1. This amendatory act does not take effect unless both of the following requirements are met:

(a) \$4,000,000.00 from the cleanup and redevelopment trust fund created in section 3e of 1976 IL 1, MCL 445.573e, and \$4,000,000.00 from the community pollution prevention fund created in section 3f of 1976 IL 1, MCL 445.573f, is appropriated by the legislature to the environmental protection fund created in section 503a of the natural resources and environmental protection act, 1994 PA 451, MCL 324.503a.

(b) \$2,000,000.00 is appropriated by the legislature from the environmental protection fund to support the program under part 303 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.30301 to 324.30329."

**Popular name:** Act 451

**Popular name:** NREPA

**Popular name:** Wetland Protection Act