

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

***** 324.30309 THIS SECTION IS REPEALED BY ACT 98 OF 2013 EFFECTIVE 160 DAYS AFTER THE EFFECTIVE DATE, AS PUBLISHED IN THE FEDERAL REGISTER, OF AN ORDER BY THE ADMINISTRATOR OF THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY UNDER 40 CFR 233.53(c)(8)(vi) WITHDRAWING APPROVAL OF THE STATE PROGRAM UNDER 33 USC 1344(g) AND (h). (See enacting section 2 of Act 98 of 2013.) *****

324.30309 Regulation by local unit of government of wetland less than 2 acres; permit application; determination.

Sec. 30309.

A local unit of government that has adopted an ordinance under section 30307(4) that regulates wetland within its jurisdiction that is less than 2 acres in size shall comply with this section. Upon application for a wetland use permit in a wetland that is less than 2 acres in size, the local unit of government shall approve the permit unless the local unit of government determines that the wetland is essential to the preservation of the natural resources of the local unit of government and provides these findings, in writing, to the permit applicant stating the reasons for this determination. In making this determination, the local unit of government must find that 1 or more of the following exist at the particular site:

- (a) The site supports state or federal endangered or threatened plants, fish, or wildlife appearing on a list specified in section 36505.
- (b) The site represents what is identified as a locally rare or unique ecosystem.
- (c) The site supports plants or animals of an identified local importance.
- (d) The site provides groundwater recharge documented by a public agency.
- (e) The site provides flood and storm control by the hydrologic absorption and storage capacity of the wetland.
- (f) The site provides wildlife habitat by providing breeding, nesting, or feeding grounds or cover for forms of wildlife, waterfowl, including migratory waterfowl, and rare, threatened, or endangered wildlife species.
- (g) The site provides protection of subsurface water resources and provision of valuable watersheds and recharging groundwater supplies.
- (h) The site provides pollution treatment by serving as a biological and chemical oxidation basin.
- (i) The site provides erosion control by serving as a sedimentation area and filtering basin, absorbing silt and organic matter.
- (j) The site provides sources of nutrients in water food cycles and nursery grounds and sanctuaries for fish.

History: Add. 1995, Act 59, Imd. Eff. May 24, 1995

Popular Name: Act 451

Popular Name: NREPA

Popular Name: Wetland Protection Act