

	WATER RESOURCES DIVISION SURFACE WATER ASSESSMENT SECTION RESCISSION OF POLICY AND PROCEDURE		DEPARTMENT OF ENVIRONMENTAL QUALITY
	Subject: Part 323 – High Risk Erosion Area Informal Appeal Review		Category: <input type="checkbox"/> Internal/Administrative <input type="checkbox"/> External/Non-Interpretive <input checked="" type="checkbox"/> External/Interpretive
	Program Name: Water Resources Program		Type: <input type="checkbox"/> Policy <input type="checkbox"/> Procedure <input checked="" type="checkbox"/> Policy and Procedure
Rescinded Date: March 11, 2016	Number: WRD-SWAS-024	Page: 1 of 1	

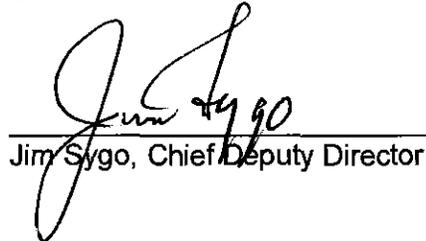
Water Resources Division, Surface Water Assessment Section, Policy and Procedure No. WRD-SWAS-024, Part 323 – High Risk Erosion Area Information Appeal Review, dated March 18, 2014, is rescinded. This policy and procedure deals with "informal appeals" for high risk erosion area designations and recession rate determinations; however, there is no mention of informal appeals in the statute and rules. It seems that the policy and procedure was meant to deal with how staff responds to comments from property owners when comments are received from them as part of the predesignation notification, which is no different than dealing with public comments on other regulatory decisions. There is not much content, and the subject doesn't seem to warrant a policy and procedure.

SECTION CHIEF APPROVAL:



Diana Klemans, Chief
Surface Water Assessment Section
Water Resources Division

CHIEF DEPUTY DIRECTOR APPROVAL:



Jim Sygo, Chief Deputy Director

	WATER RESOURCES DIVISION SURFACE WATER ASSESSMENT SECTION POLICY AND PROCEDURE		DEPARTMENT OF ENVIRONMENTAL QUALITY
	Original Effective Date: September 28, 1998		Category: <input type="checkbox"/> Internal/Administrative <input type="checkbox"/> External/Non-Interpretive <input checked="" type="checkbox"/> External/Interpretive
	Revised Date:		
Reformatted Date: March 18, 2014	Subject: Part 323 - High Risk Erosion Area Informal Appeal Review	Program Name: Water Resources Program	Type: <input type="checkbox"/> Policy <input type="checkbox"/> Procedure <input checked="" type="checkbox"/> Policy and Procedure
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A Department of Environmental Quality (DEQ) Policy and Procedure cannot establish regulatory requirements for parties outside of the DEQ. This document provides direction to DEQ staff regarding the implementation of rules and laws administered by the DEQ. It is merely explanatory; does not affect the rights of, or procedures and practices available to, the public; and does not have the force and effect of law.

Note: This policy and procedure was previously numbered as 323-98-04.

PURPOSE:

To assist staff in reviewing informal appeals of high risk erosion area designations and setback increases under Part 323, Shorelands Protection and Management, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA), being Sections 324.30301 to 324.30323 of the Michigan Compiled Laws and R 281.22 of the Great Lakes Shorelands Administrative Rules.

AUTHORITY:

Part 323 of the NREPA.

DEFINITIONS:

Informal Appeals - Appeals submitted after the high risk erosion area public meetings are held and prior to the DEQ's formal action of designation or setback modification. The intent of this informal appeal period is to provide property owners an opportunity to make comments and provide input regarding the recession rate research and discuss the impact of the regulations on their specific property.

FORMS USED:

1. High Risk Erosion Areas Application Review form.
2. Application for Permit for Alteration and Construction in High Risk Erosion Areas and/or Critical Dune Areas.

PROCEDURES:

Step	Who	Does What
1	Great Lakes Shorelands Unit (GLSU)	Reviews file to determine whether informal appeal was submitted by the date specified on the DEQ's premeeting letter to the property owner.
2	GLSU	Assigns case number to informal appeal and prepares file which will contain documentation of review.

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3	GLSU	Reviews appeal request to ensure that all necessary information has been provided, including description of issue being appealed, reason for appeal, action sought, property information, address of site, tax number, town/range/section, and directions to the site.
4	GLSU	Requests additional information from property owner if needed.
5	GLSU	<p>Reviews the following list of administrative requirements to ensure that designation/renotification procedures were followed correctly.</p> <ol style="list-style-type: none">1. Verifies that the correct tax number was cited on premeeting designation or renotification letter.2. Determines whether premeeting letters were mailed to property owner. Premeeting letters are required only if the DEQ's action is a designation. If property is already designated, letter notifying property owner of changes in projected recession distances is all that is required, However, while not required, premeeting letters are sent to all owners to explain changes and provide notice to any new property owners.
6	GLSU	<p>Reviews the following list to ensure that the recession rate study was conducted correctly.</p> <ol style="list-style-type: none">1. Reviews historic and modern aerial photography for erosion hazard line identification and measurement.2. Reviews transect location, grouping, averaging of rates, and calculation of 30- and 60-year setbacks. <p>NOTE: The review may also include an inspection of the property to determine site conditions. If an inspection is made, staff should note the implications of regulations on the parcel in question using administrative rules and site inspection form.</p>
7	GLSU	Identify any necessary corrections or possible resolutions.
8	GLSU	Review file with immediate supervisor.

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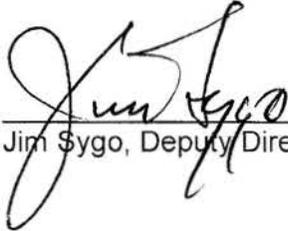
9	GLSU	Notify petitioner, in writing, of staff's determination. Explain review and provide resolution options, or explain basis for decision. This would complete review of informal appeals.
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