



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY
CADILLAC DISTRICT OFFICE



C. HEIDI GREYER
DIRECTOR

February 21, 2017

Subject: Michigan Department of Environmental Quality (MDEQ)
Decision on File Number 29N-4F1C-FMA9

This letter is to notify you that the application for a permit submitted under the authority of Part 301, Inland Lakes and Stream, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (Part 301), DEQ File No. 29N-4F1C-FMA9, was issued by the Michigan Department of Environmental Quality (MDEQ), Water Resources Division on February 21, 2017. The purpose of the project is to improve a boat launch site on Fife Lake by dredging and filling for a concrete boat ramp, installing a seasonal skid pier dock and creating 34 feet of coir log shoreline protection. In issuing a permit, the MDEQ has made this determination based upon our review of the application under Section 30106 and Rule 4 of Part 301, and consideration of the public comments received. The MDEQ determined that the project is in the public interest, the project will not adversely affect riparian rights or public trust, and the project will have minimal adverse environmental effects on Fife Lake.

A number of regulatory programs administered by the MDEQ's Water Resources Division provide the right to appeal a permitting decision. Those programs include, but are not limited to, inland lakes and streams, wetlands, Great Lakes submerged lands, shorelands, and critical sand dunes. The administrative hearing that is held as a result of an appeal of a permitting decision is called a contested case hearing. A contested case hearing is presided over by an Administrative Law Judge (ALJ) from the State Office of Administrative Hearings and Rules (SOAHR) and represents a formal administrative review of a state agency action regarding a permitting or licensing matter. The contested case hearing process is governed by the Administrative Procedures Act, 1969 PA 306, as amended (Act 306), MCL 24.201, *et seq.*, and administrative rules (R 324.1, *et seq.*).

An appeal is initiated by the filing of a petition for a contested case hearing with the SOAHR. Upon receipt of a petition, a file is opened and placed on the Docket of pending cases. A pending case may be held in abeyance as long as good faith settlement discussions are being conducted and periodic status reports are filed. If the parties are able to informally resolve the matter, the case is dismissed.

If resolution is not reached, the case is set for a formal hearing. The hearing process consists of a number of stages. The formal hearing before the ALJ results in the creation of an evidentiary record, consisting of sworn testimony and exhibits. The ALJ issues a Proposal for Decision which is submitted, along with the hearing record, to the Director of the MDEQ for consideration and the issuance of a Final Determination and Order by the MDEQ. The final agency decision may be appealed to circuit court, which reviews the matter based on the record created during the contested case hearing.

Additional information on the contested case hearing process, including the following, may be found at: http://www.michigan.gov/deq/0,1607,7-135-3307_4157---,00.html

- Petition for a contested case hearing form

- Docket of MDEQ Pending Contested Cases
- Library of the following ALJ Opinions and Orders, Proposals for Decision, and DEQ Director Final Determination and Orders
- Act 306
- Administrative Rules governing contested case hearings

If you have any questions regarding this decision, please feel free to contact me at 231-383-5952, SchmidtR1@michigan.gov, or MDEQ, WRD, Cadillac District Office, 120 W. Chapin Street, Cadillac, Michigan 49601. Please include the file number 29N-4F1C-FMA9, in your response.

Sincerely,



Robyn L. Schmidt
Cadillac District Office
Water Resources Division