

Compromise in offing over small wetlands

By Tim Richard
staff writer

Local governments could still govern small wetlands, but only under uniform state rules put forth by a compromise measure before a state Senate committee.

"Chairman Dave Honigman has done a good job of bringing the parties together," said Don Stypula, environmental specialist for the Michigan Municipal League.

As written by Sen. Paul Wartner, R-Portage, Senate Bill 522 would have prohibited cities, villages and townships from controlling wetlands at all.

But local units and environmentalists set up a bowl of protest in November. The Senate sent the bill to the Local Government Committee chaired by Honigman, R-West Bloomfield. He held a hearing Dec. 3.

THE NEW DRAFT would require local units to use a uniform state definition, limit regulated wetlands to a half-acre, impose time limits for local action on development applications, and allows only one local board to rule on an application.

Gerald Fisher, a Farmington Hills attorney, drafted the new version, currently circulating among the 30 cities and townships that have wetlands ordinances.

Fisher represents West Bloom-

field, Oakland and several other townships with wetlands ordinances.

"My guess is that it will circulate among the developing communities and get some more work," Fisher said this week.

The 1979 state Goetz-Reich-Anderson Wetland Protection Act gives the Department of Natural Resources jurisdiction over wetlands four acres or larger.

But local and environmental critics say the DNR lacks the regulatory staff and the knowledge of small wetlands to do the entire job without local help.

HERE ARE some of the major changes in Fisher's draft:

- Local units would be required to use the state definition of a wetlands. This is aimed at the criticism of Detroit lawyer Norman Hyman, who represents developers, that there are "conflicting definitions" and some are "off the wall."

- Local units would have 60 days to approve, modify or deny an application. Developers, for who time is literally money, object to long delays.

- Local units may regulate wetlands down to a half-acre "unless it is contiguous to a larger wetland area, a lake, pond, river or stream." They may regulate only limited "buffer" areas. This is aimed at Hyman's criticism that "potholes of one-fifth of an acre" are regulated.

The Municipal League, too, said some lower size limits now are arbitrary.

- Local applications for small wetlands developments must use the same form the DNR requires for larger developments. The Michigan Townships Association lobbyist cited the need for uniform application forms.

- Local applications "shall be reviewed by the same bodies or officials reviewing the site plan or preliminary plat." This is aimed at developers' criticisms that they must appear before three or four different

boards, many staffed by "amateurs."

The Fisher draft also requires that local units submit copies of their ordinances to the DNR. Applications for wetlands development permits would have to be submitted both to DNR and local units with wetlands ordinances.

NO ONE IS treating seriously a Detroit Audubon Society suggestion that the state purchase wetlands in order to control them and halt their development.

Sen. Gil DiNello, D-East Detroit, a real estate broker friendly to developers, likes the idea and has a sepa-

rate bill to require state purchase. DiNello is a member of the Local Government Committee.

But Honigman said the idea is legally unsound. "When you purchase, you know you don't have an unlimited right to use the property. A 'taking' (by government) occurs only when you interfere with the owner's reasonable expectations."

Developers may like an idea inserted by Fisher on "development rights," a concept new in Michigan but used in other states.

He gave this illustration: "Assume one has five acres, with two acres in wetlands. You're not allowed to use

two acres. But the owner would be allowed to develop the rest as if it were larger than three acres, although the owner couldn't develop it as if it were the full five acres.

"It's a win-win situation," Fisher said.

His draft also would allow local units to transfer development rights to other properties.

Even a compromise won't satisfy everyone. Developers accuse environmentalists of favoring "cattails over children." Environmentalists cite President George Bush's promise of "no net loss of wetlands" during his administration.

Low-income residents can get phone bill discounts

The Michigan Public Service Commission urges qualifying low-income residents to apply to their local telephone company for a Lifeline telephone discount of nearly \$50 a year.

"Lifeline reduces eligible low-income customers' monthly telephone bills by \$4 and cuts the cost to install a telephone by 50 percent up to a \$30

reduction," said public service chairman Steve Petteer.

All local telephone companies in Michigan offer the discount. To be eligible for the program, a person's household income must not exceed 150 percent of the federal poverty level. Currently, for Lifeline eligibility, one's household income must be

less than the following:

Number Of Family Members	Monthly Income Cap
1	\$718
2	963
3	1,208
4	1,453
5	1,698
6	1,942

7 2,187
8 2,432
Michigan Department of Social Services clients are automatically eligible for the Lifeline program.
Eligible residents can contact their local telephone company office for more information on the Lifeline program, or call 1-800-621-8650.

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Recent sightings confirm earlier reports. They are, indeed, multiplying.