

ALGER COUNTY BOARD OF COMMISSIONERS

Mary Ann Froberg, Clerk
101 COURT STREET, MUNISING, MI 49862

RESOLUTION #2016-16

At a regular meeting of the Alger County Board of Commissioners held on September 19, 2016 at Munising, Michigan.

Present were: Commissioners Mattson, Pullen, Rondeau, VanLandschoot, and Doucette

Absent were: None

WHEREAS, the Alger County Board of Commissioners is concerned that Michigan counties have experienced long term and costly delays to road construction projects and also to private projects located in the Upper Peninsula due to the EPA and Army Corps definitions for “Waters of the U.S.”

WHEREAS, the U.S. Supreme Court has stated that an applicant spends an average of 788 days of time and \$271,596 to obtain an individual 404 U.S. Corps permit. The Supreme Court chastised these agencies in the 2001 SWANCC case and the 2006 Rapanos case for regulatory overreaching and these agencies have refused to adapt to the pushback they continue to receive from taxpaying landowners.

WHEREAS, the proposed rule, should it become effective, will drain local budgets, hamper business development, increase cost of infrastructure construction and maintenance, and continue an unacceptable level of uncertainty in the permitting processes; and

WHEREAS, these agencies are currently using interpretive guidelines established by the EPA in 2011 and these guidelines do not grant them final authority.

WHEREAS, the EPA now wishes to adopt new regulations which will indeed grant them final authority in matters dealing with waters of the U.S. and will include regulation of man-made ditches, public drains, tributaries, adjacent & neighboring wetlands, ecoregion, significant nexus, surface connection, ground water connection, discharge and possibly much more. Regulation of these latter items had currently resulted in high levels of confusion, delays and increased permitting costs for the applicants. It has also allowed the EPA and Corps to far exceed their applicable regulatory, statutory and constitutional limits. In addition, this regulation is redundant to State wetland regulations that are already in place and mitigate wetland impacts from a prepaid wetland bank of credits for road projects.

NOW, THEREFORE, BE IT RESOLVED That the Alger County Board of Commissioners hereby oppose the new EPA proposed regulations that would replace the 2011 interpretive guidelines they are currently following concerning the Clean Waters Act definition for “Waters of the United States.”

BE IT RESOLVED That the Alger County Board of Commissioners will support EPA and Corps regulation of traditional navigable waters only.

CERTIFICATION

I hereby certify that the Resolutions set forth above were adopted by the Board of Commissioners of Alger County at the time, date, and place specified above pursuant to the required statutory procedures.

Respectfully submitted,



Mary Ann Froberg, County Clerk

Dated: September 19, 2016

