

APPLICANT'S RIGHT TO APPEAL
Delta Conservation District
Soil Erosion & Sedimentation Control Program

The purpose of the Appeals Process is to ensure fairness and consistency while implementing the Delta Conservation District Soil & Sedimentation Program. This Appeals Process is designed to help promote cooperation and understanding from permit applicants by allowing additional opportunities to express concerns, while learning of the long-term environmental consequences of their proposed action.

The applicant is encouraged to meet with the SESC enforcing agent on-site to discuss any concerns or issues and possible alternatives, first. If agreeable alternatives cannot be agreed to, the SESC enforcing agent will inform the applicant of the steps to appeal the decision.

STEP 1: The applicant can attend the regular meeting of the Conservation District Board of Directors. This meeting is usually the 2nd Tuesday of the month at the USDA Service Center in Gladstone, MI. at 9:00 a.m. Please call ahead to confirm meeting date/time and to be placed on the agenda. The Conservation District will confirm the final decision and reasons for the decision in writing to the applicant. The letter will also inform the applicant of the opportunity to appeal the decision to the SESC Board of Appeals if desired.

STEP 2: If the applicant wishes to appeal the decision of the Delta Conservation District Board of Directors to the SESC Board of Appeals, a petition for an appeal hearing shall be filed with the District not later than 60 days following the receipt of the final decision. All requests for an appeal shall be made in writing to the Delta Conservation District. The request shall specify the action that is the subject of the appeal and shall state, in the opinion of the person requesting the appeal, the reason for which the action should be overturned. An appeal date will be set within 21 days of the time of receiving the written appeal. The decision of the Board of Appeals is based solely on all laws governing Part 91, Soil Erosion & Sedimentation Control, of the Natural Resources & Environmental Protection Act, 1994 PA 451, as amended and associated rules.

Appellants should note the appeals process is not designed to permit violations of the law, but to judge whether the Delta Conservation District properly interpreted the rules under law and was reasonable in enforcement of said rules.