STATE OF MICHIGAN

COURT OF APPEALS

NATIONAL WILDLIFE FEDERATION and UPPER PENINSULA ENVIRONMENTAL COALITION, Plaintiffs-Appellants,	UNPUBLISHED June 11, 2002
V CLEVELAND CLIFFS IRON CO, EMPIRE IRON MINING PARTNERSHIP, MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY, and RUSSEL J. HARDING, Defendants-Appellees.	No. 232706 Marquette Circuit Court LC No. 00-037979-CE

Before: Griffin, P.J., and Hood and Sawyer, JJ.

MEMORANDUM.

Plaintiffs appeal as of right from an order dismissing their suit against defendants under the Michigan Environmental Protection Act (MEPA), MCL 324.1701 *et seq*., for lack of standing. The suit was filed in response to the Michigan Department of Environmental Quality's grant of a permit allowing defendants, Cleveland Cliffs Iron Company and Empire Iron Mining Partnership (hereinafter defendants), to fill wetlands and streams on their property with mining waste. We reverse.

The only issue on appeal is whether the trial court erred in finding that plaintiffs lacked standing to sue. Whether a party has standing to bring an action presents a question of law reviewed de novo. *Franklin Historic District Study Comm v Village of Franklin*, 241 Mich App 184, 187; 614 NW2d 703 (2000).

Plaintiffs brought their claim under MEPA, which provides in relevant part:

> The attorney general or *any person may maintain an action* in the circuit court having jurisdiction where the alleged violation occurred or is likely to occur for declaratory and equitable relief against any person for the protection of the air, water, and other natural resources and the public trust in these resources from pollution, impairment, or destruction. [324.1701(1) (emphasis added).]

Review of the plain language of the statute, *In re MCI Telecommunications Complaint*, 460 Mich 396, 411; 596 NW2d 164 (1999), reveals that plaintiffs have standing to pursue this action. Furthermore, our Supreme Court held that a prior version[1] of this statutory provision "provides private individuals and other legal entities with standing to maintain actions in the circuit courts." *Ray v Mason County Drain Comm'r*, 393 Mich 294, 305; 224 NW2d 883 (1975). See also *Stevens v Creek*, 121 Mich App 503, 507; 328 NW2d 672 (1982).[2]

In light of the plain language of the statute and its consistent construction conferring standing to any person, we decline defendants' invitation to read in an additional requirement of compliance with non-statutory standing prerequisites.

Reversed.

/s/ Richard Allen Griffin
/s/ Harold Hood
/s/ David H. Sawyer

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[1] The prior version of MEPA, MCL 691.1201 *et seq*., was repealed and now appears at MCL 324.1701 *et seq*.

[2] We note that appellee, Michigan Department of Environmental Quality, agrees in its brief on appeal that the trial court erred in its ruling and plaintiffs have standing to bring this suit. Additionally, we note that defendants' reliance on *Lee v Macomb County Board of Commissioners*, 464 Mich 726, 740; 629 NW2d 900 (2001), is misplaced. There is no indication that the *Lee* Court's adoption of the test in *Lugan v Defenders of Wildlife*, 504 US 555, 559-560; 112 S Ct 2130; 119 L Ed 2d 351 (1991), to interpret the soldiers' relief fund act, overruled *Ray*. The soldiers relief act did not contain a provision expressly authorizing any person to maintain an action for violations or omissions of the act.