

# Court of Appeals, State of Michigan

## ORDER

Northern Mich Environmental Action Council v DEQ

Docket No. 342521

LC No. 2017-032282-AA

Michael J. Kelly  
Presiding Judge

Christopher M. Murray

Stephen L. Borrello  
Judges

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The Court orders that the motion to dismiss this appeal is GRANTED because MCR 7.203(A)(1)(a) precludes an appeal of right to this Court from a circuit court order entered on appeal from another tribunal. Based on the contested case proceedings in this matter the Department of Environmental Quality acted as a tribunal in this matter, so that the February 1, 2018 circuit court order appealed from was entered on appeal from another tribunal. See *Natural Resources Defense Council v Dep't of Environmental Quality*, 300 Mich App 79, 85-87; 822 NW2d 79 (2013) (holding that the Department did not act as a tribunal in issuing a permit in circumstances where no contested case proceeding was held). However, appellees have presented no reason that appellant cannot seek to appeal the February 1, 2018 order by filing a delayed application for leave to appeal within the six-month period generally allowed by MCR 7.205(G)(3).



A true copy entered and certified by Jerome W. Zimmer Jr., Chief Clerk, on

MAY 29 2018

Date

  
Chief Clerk