



Applicant Actions Related to Revolving Funds (SRF/SWQIF/DWRF) Project Planning

In all cases where contact letters are specified below, the applicant must provide (at a minimum) the following information in its contact letters:

1. A detailed map showing the area(s) affected by the proposed construction.
2. The location of each construction site using the Congressional Land Survey System Township, Range, and Section.
3. A description of the proposed construction that contains sufficient detail to allow the reviewing agency to adequately assess possible impacts of the proposed action.
4. A reasonable date when comments should be returned to the applicant.

All correspondence related to agency contacts (i.e., the initial and any subsequent contact letters as well as all agency responses) must be included in the final project plan.

Please note there are four agencies that **must** be contacted in **every** case: the State Historic Preservation Office (see Item 2), the Tribal Historic Preservation Officers (see Item 3), the Michigan Natural Features Inventory (see Item 10), and Department of Environmental Quality (DEQ) land-water interface issues (see Item 15). The U.S. Fish & Wildlife Service (see Item 10) has initiated a streamlined review process whereby their written concurrence may not be required for some projects.

Surveys may be required to better define historical-archaeological resources, biological resources, and wetlands. Please note that if any surveys are required, we cannot issue an environmental assessment until the surveys are completed.

1. Air Quality

The **Clean Air Act** (42 U.S.C. §7616) requires an analysis of whether air pollutant emissions will result from the construction or operation of a federally-assisted project.

Applicant Action

The applicant must analyze whether direct or indirect air pollutant emissions will result from the construction or operation of the proposed project. If pollutant emissions can result from the proposed project, the applicant must analyze the impacts of those emissions, including impacts that could result from population growth facilitated by the project. A description of the project-related direct and indirect emissions, along with an analysis of their impacts, must be included in the final project plan.

2. Archeological and Historic Resources

In order to comply with the **Archeological and Historic Preservation Act of 1974** (16 U.S.C. §469 through §469c-1), the State Historic Preservation Office (SHPO) must be notified during the planning of a federally-assisted project so that a determination can be made of whether

the proposed project could cause irreparable loss or destruction of significant scientific, prehistorical, historical, or archeological data in the vicinity of the project.

The **National Historic Preservation Act**, as amended (16 U.S.C. §470, et seq.) mandates the protection of historic sites, buildings, structures, districts, and objects of national, state, regional, or local significance listed in the National Register of Historic Places and requires that the effect of a federally-assisted project upon properties included in or eligible for inclusion in the National Register must be taken into account during project planning.

Applicant Action

During project planning, the applicant **must** request comments on the proposed project from the SHPO. To prepare this request, the applicant needs to follow SHPO's instructions for application for Section 106 review," which can be found on [MSHDA's Web site-Section 106 Instructions](http://www.michigan.gov/mshda/0,4641,7-141-54317_19320_61999-98336--,00.html) (http://www.michigan.gov/mshda/0,4641,7-141-54317_19320_61999-98336--,00.html). The Application is also located on the [MSHDA Web site](https://www.michigan.gov/documents/hal/mhc_shpo_Sec106_app_232346_7.doc) (https://www.michigan.gov/documents/hal/mhc_shpo_Sec106_app_232346_7.doc). Of key importance, "streetscape" photographs or digital media showing the areas affected by the project need to be provided at this time.

The applicant may be required by the SHPO to conduct a survey to ascertain the existence of scientific, prehistorical, historical, or archeological data in the vicinity of the proposed project.

If the SHPO determines that significant scientific, prehistorical, historic, or archeological data will be destroyed by the proposed project, the applicant must either undertake a plan to recover and preserve the data as part of the project or alter the project in order to avoid the destruction.

If the SHPO determines that the proposed project could adversely affect a property that is included in or eligible for inclusion in the National Register of Historic Places, the applicant must either select an alternate project site or integrate into the project design the mitigative measures that have been recommended by the SHPO.

3. Archeological and Historic Resources (Tribal Historic Preservation Officers and Federally Recognized Tribes)

There are 12 federally recognized Indian tribes in Michigan, of which 7 are identified as Tribal Historic Preservation Officers (THPO), whose responsibility is to assume the role of SHPO for projects on tribal lands. Section 106 of the National Historic Preservation Act requires consultation with THPOs and federally recognized tribes. The purpose of this activity is to give the tribe an opportunity to have its interests and concerns considered. For projects that are not located on tribal lands, THPOs and federally recognized tribes are still given an opportunity to comment.

Applicant Action

Applicants must make a reasonable effort to provide any federally recognized tribe that has a history of use in the area of the project, a notice of opportunity to comment on the project. An example of the notice of an opportunity to comment is attached to the Tribal Contact List. Because of the movement of tribes and the potential for multiple tribes to use the same territory, there may be more than one contact per county. The Tribal Contact List is available

on [our Web site - THPO Guidance](http://www.michigan.gov/documents/deq/deq-ess-mfs-formsguidance-THPO_249047_7.pdf) (http://www.michigan.gov/documents/deq/deq-ess-mfs-formsguidance-THPO_249047_7.pdf).

While active participation of tribes is encouraged, it does not obligate payment for consultation. If any specific information and/or documentation regarding the location, nature, and condition of an individual site or a survey is required due to an identified impact, the tribe would be justified in requiring payment for its services.

If the tribe determines that historic properties with religious and/or cultural significance will be impacted by the proposed project, the applicant must either select an alternate project site or integrate into the project design the mitigative measures that have been recommended by the tribe.

4. Facility Discharge Permits

The **Federal Water Pollution Control Act Amendments of 1972** (P.L. 92-500) require permits for discharges into the waters of the United States. The DEQ regulates discharges to both surface waters and groundwater under Michigan's **Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA)**.

Applicant Action

In order to modify or apply for a discharge permit, the applicant should contact the appropriate DEQ Water Resources Division (WRD) District Office responsible for the geographic area of the proposed project. District office addresses can be found on the [DEQ Web site - Locations](http://www.michigan.gov/deq/0,1607,7-135-3306_3329-12306--,00.html) (http://www.michigan.gov/deq/0,1607,7-135-3306_3329-12306--,00.html). The need for a new or modified discharge permit should be noted in the project plan, along with an estimated date for its issuance. The new or modified permit must be issued prior to our publication of the environmental assessment for the project.

5. Farmland and Open Space Preservation

In order to comply with the **Farmland Protection Policy Act** (7 U.S.C. §4201, *et seq.*), alternative actions that could lessen adverse effects must be considered if a federally-assisted project may result in the conversion of significant farmland to nonagricultural uses. Significant farmland under this Act is defined as prime, unique, statewide or local important farmland.

Applicant Action

The applicant must provide a map in the final project plan showing the location of significant agricultural lands in the vicinity of the proposed project. The project plan must also include information on the impacts of project construction **or** operation upon agricultural lands. Examples of impacts include the acquisition of farmland as the site for a new wastewater treatment plant or pumping station, the use of agricultural lands for the treatment or disposal of effluent or sludge, and the conversion of farmland into nonagricultural uses due to growth fostered by the expansion of a wastewater collection and treatment system.

If significant farmlands may be converted to nonagricultural uses as a result of the proposed project, the applicant may be required to select an alternate project site. If your project may convert farmland either directly or indirectly, contact the USDA Natural Resources

Conservation Service (NRCS) below. The State Conservationist performs a review under the National Environmental Policy Act (NEPA). If there may be a negative impact on prime and unique farmland, the USDA-NRCS will provide Form AD-1006 for completion in accordance with the Farmland Protection Policy Act (FPPA).

Address: Farmland Preservation Program
USDA Natural Resources Conservation Service
3001 Coolidge Road, Suite 250
East Lansing, MI 48823-6362

The Farmland and Open Space Preservation Act (Part 361 of the **NREPA**), more commonly known as PA 116, enables a farm owner to maintain land in an agricultural use and insures the land is not developed in a non-agricultural use. If your project may affect farmland protected via this state-level program, contact the Michigan Department of Agriculture & Rural Development below.

Address: Michigan Department of Agriculture & Rural Development
Farmland Preservation Program
Environmental Stewardship Division
P.O. Box 30499
Lansing, MI 48909

6. Health Department Permits

Local health departments have primary regulatory authority over on-site septic systems under Sections 2433, 2435, and 2441 of the **Michigan Public Health Code** (1978 PA 368).

Applicant Action

If the proposed project involves the construction, alteration, extension, or replacement of on-site septic systems, the applicant should contact the local health department during project planning to seek input regarding the acceptability of the proposed action. Local health department addresses can be found on the [Michigan Department of Health & Human Services Web site – Local Health Departments Map](http://michigan.gov/mdch/0,1607,7-132--96747--00.html) (<http://michigan.gov/mdch/0,1607,7-132--96747--00.html>). The applicant must then provide a copy of the draft project plan to the local health department for its review and concurrence.

7. Lagoon Berm Permits

Under Michigan's **NREPA**, a dam safety permit may be needed for a lagoon where the berm encloses more than five acres.

Applicant Action

If the proposed project impacts a lagoon where the berm encloses more than five acres, the applicant should contact the DEQ WRD staff responsible for the geographic area of the proposed project. Dam safety contacts can be found on the [DEQ Web site for dam safety staff](http://www.michigan.gov/documents/deq/wrd-damsstaff_402870_7.pdf) (http://www.michigan.gov/documents/deq/wrd-damsstaff_402870_7.pdf). The need for a new or modified dam safety permit should be noted in the project plan, along with an estimated date for its issuance.

8. National Natural Landmarks

The **Historic Sites Act** (16 U.S.C. §461, et seq.) mandates the protection of national natural landmarks.

Applicant Action

The applicant should review the list of national natural landmarks found on [our Web site – National Natural Landmarks in Michigan](#) (http://www.michigan.gov/documents/deq/deq-ess-mfs-formsguidance-Landmarks_526414_7.pdf) or at the [National Park Service Web site](#) (<http://www.nature.nps.gov/nnl/state.cfm?State=MI>) and note in the final project plan whether or not there is any listed landmark that could be impacted by project construction or operation. If the proposed project could adversely affect a national natural landmark, the applicant must either select an alternate project site or integrate into the project design the mitigative measures that have been recommended by your DEQ Revolving Loan Section project manager.

9. Project Site Contamination

Several DEQ divisions oversee activities related to project site contamination and cleanup. The Air Quality Division (AQD) regulates activities related to the removal of building materials containing asbestos under the National Emission Standards for Hazardous Air Pollutants (NESHAP) regulations (40 CFR Part 61, Subpart M). The Remediation and Redevelopment Division (RRD) regulates contaminated sites under Part 201 (Environmental Remediation) and Part 213 (Leaking Underground Storage Tanks) of Michigan's **NREPA**. The Office of Waste Management and Radiological Protection Division (OWMRP) regulates the disposal of a variety of waste materials under Part 111 (Hazardous Waste Management) and Part 115 (Solid Waste Management), and Part 121 (Liquid Industrial Waste) of Michigan's **NREPA** and the Hazardous Materials Transportation Act (Act 138 of 1998).

Applicant Action

The applicant must indicate in the project plan whether construction of the proposed project will involve any site contamination or cleanup issues. Existing or proposed work plans and practices that will be followed in the excavation, testing, removal, handling, transportation, and disposal of contaminated materials need to be identified. Specific work practices that will be followed to minimize the release of asbestos fibers during construction and ensure the proper disposal of removed materials containing asbestos must also be detailed.

If the proposed project involves the renovation or demolition of structures containing asbestos, the applicant may wish to contact the AQD's NESHAP Asbestos Coordinator at 517-284-6777 to learn about the work practices associated with safe asbestos removal and disposal. More information about asbestos NESHAP regulations and notification requirements can be found at the [DEQ Web site for Asbestos NESHAP Program](#) (http://www.michigan.gov/deq/0,1607,7-135-3310_4106-11856--,00.html).

If the proposed project involves construction activities in areas of known soil or groundwater contamination, the applicant may wish to contact the appropriate RRD District Office to learn about the standards that govern the removal and disposal of contaminated soils or groundwater. District office addresses can be found at the [DEQ Web site for Locations](#) (http://www.michigan.gov/deq/0,1607,7-135-3306_3329-12306--,00.html).

If the proposed project involves the removal and disposal of building materials which contain lead, mercury, PCBs, or similar contaminants, the applicant may wish to contact the appropriate OWMRP District Office at the above-referenced site to learn about proper waste disposal practices.

If the proposed project involves the cleaning of sewers, manholes, or catch basins, the sanitary sewer and storm sewer clean-out residue removed from sewer systems is regulated as liquid industrial waste (LIW) when it contains free liquids and has not been contaminated by spills or releases that would make it a regulated hazardous waste. Applicants may wish to contact the appropriate OWMRP District Office at the above-referenced site to learn about proper transportation and disposal requirements.

10. Protected Plants and Animals

The **Endangered Species Act of 1973**, as amended (16 U.S.C. §1531, et seq.) prohibits federal assistance to a project which is likely to jeopardize (1) any species of fauna or flora listed or proposed to be listed as endangered or threatened by the U.S. Fish & Wildlife Service (USFWS) or (2) the critical habitat on which such species depend.

Michigan's endangered and threatened species are protected under Part 365 of the **NREPA**. The Michigan Department of Natural Resources (DNR) is the state agency responsible for protecting state listed endangered species in Michigan.

Applicant Action

During project planning, the applicant must contact the [Michigan Natural Features Inventory \(MNFI\) Web site](http://mnfi.anr.msu.edu/services/rare-species-review.cfm) (<http://mnfi.anr.msu.edu/services/rare-species-review.cfm>) to ascertain whether any species of fauna or flora listed or proposed to be listed in the Michigan Natural Features Inventory as endangered, threatened, or special concern, or the critical habitat of such species, is found in the vicinity of the proposed project. A Rare Species Review request must be submitted through this Web site that will generate a letter from MNFI staff summarizing their findings. Contact with MNFI can be waived if your project is in an urban area where no suitable wildlife habitat is present or if construction work is limited to existing structures.

The USFWS ensures that federally funded projects do not jeopardize any federally listed species through the implementation of Section 7 of the federal Endangered Species Act. The USFWS has initiated a new streamlined review process whereby their written concurrence may not be required for some SRF/DWRF projects. The USFWS does not need to be consulted if your project is in an urban area where no suitable wildlife habitat is present, or if construction work is limited to existing structures, or if the loan applicant consults with a qualified biologist who can document that no such habitat exists and there is no potential for endangered or threatened species to be present, or that there would be no effect on any listed species.

However, you must contact the USFWS at the address below if there is uncertainty regarding the possible presence of, or effects on, listed species or their habitat. In these cases, the USFWS must provide a list of species in the project area, and, depending on potential effects of the project as determined by the action agency or consultant, may also provide written concurrence as per the previous standard practice for SRF/SWQIF/DWRF

projects. More information is on the [USFWS Section 7 Consultation Web site](http://www.fws.gov/midwest/endangered/section7/index.html) (www.fws.gov/midwest/endangered/section7/index.html). Step-by-step instructions are available through the Technical Assistance link on this page. The USFWS requests action agencies and representatives to conclude consultation without USFWS concurrence when a “no effect” determination is appropriate as described in Step 2.

Addresses: U.S. Fish and Wildlife Service
East Lansing Field Office
2651 Coolidge Road
Lansing, MI 48823-6360

Michigan Natural Features Inventory
P.O. Box 30444
Lansing, MI 48909-7944

If the USFWS or the MNFI consultation determines that the proposed project is likely to jeopardize an endangered or threatened species or its critical habitat, the applicant must select an alternate project site.

11. Regional Planning

Fourteen regional planning agencies in Michigan play a part in local environmental planning initiatives to support orderly development, efficient use of public resources, and compliance with environmental protection standards within their region.

Applicant Action

The applicant should contact the appropriate regional planning agency during project planning to seek input regarding the impacts of the proposed project upon local development plans, area-wide waste treatment management plans, and/or regional water quality management plans. A request for confirmation of the population figures and projections to be used in the project plan should also be made. A list of planning agency addresses can be found on [our Web site – Regional Planning Agency Addresses](http://www.michigan.gov/documents/deq/deq-ess-mfs-formsguidance-RegionalAgencies_526387_7.pdf) (http://www.michigan.gov/documents/deq/deq-ess-mfs-formsguidance-RegionalAgencies_526387_7.pdf) or on the [Michigan Association of Regions Web site](http://www.miregions.com/) (http://www.miregions.com/). If the applicant municipality is in Livingston, Macomb, Monroe, Oakland, St. Clair, Washtenaw, or Wayne County, the applicant **must** send a copy of the entire project plan to SEMCOG for review and approval.

12. Stormwater Discharge Permits

The **Water Quality Act of 1987** (P.L. 100-4) requires permits for discharges from municipal separate storm water systems. The DEQ regulates municipal stormwater discharges under Michigan’s **NREPA** and Michigan Executive Orders 1991-31, 1995-4, and 1995-18.

Applicant Action

The applicant must contact the appropriate DEQ WRD staff in the following situations to determine if the proposed project will require permits for storm water discharges:

- (1) If the municipality in which the project is located operates a separate municipal storm sewer system and the proposed project involves additional stormwater discharges;
- (2) If the municipality in which the project is located operates a combined sewer system that, as a result of the proposed project, will become a separated system; or
- (3) If the construction activity resulting from the proposed project will disturb one acre or greater (or less than one acre if the construction activity is part of a larger common plan of development).

More information on who to contact can be found at the [DEQ Web site for stormwater staff](http://www.michigan.gov/deq/0,1607,7-135-3313_3682_3716-24454--,00.html) (http://www.michigan.gov/deq/0,1607,7-135-3313_3682_3716-24454--,00.html).

In all cases, the final project plan must identify all stormwater discharges that will result from the construction **or** operation of the proposed project, along with an analysis of their impacts. Elements of existing or proposed storm water management plans and specific storm water controls for construction activities also need to be identified.

13. Water Withdrawal and Dewatering

The Great Lakes Preservations Act, Part 327 of NREPA, regulates new or increased water withdrawals, consumptive uses and diversions to ensure that uses overall are reasonable, that withdrawals will not result in significant impacts to the waters and water dependent natural resources, determined on the basis of significant impacts to the physical, chemical, and biological integrity of source watersheds.

Applicant Action

If dewatering/water withdrawal is anticipated, provide preliminary plans, hydrogeological survey, groundwater modeling, wetlands, etc., within the zones of influence to determine if use of the [Water Withdrawal Assessment Tool](http://www.michigan.gov/deq/0,4561,7-135-3313_3684_45331-201102--,00.html) (http://www.michigan.gov/deq/0,4561,7-135-3313_3684_45331-201102--,00.html) or a Part 327 permit is needed.

The area assessed for the potential impacts of the proposed project needs to include the area impacted by the construction activities and the groundwater capture zone(s) for any construction dewatering wells. Applicant may be required to consider alternative design, location, or mitigative measures.

14. Wild and Scenic Rivers

The **Wild and Scenic Rivers Act** as amended by the **Michigan Scenic Rivers Act of 1991** (16 U.S.C. §1271, et seq.) prohibits federal assistance to a project that will have a direct and adverse effect on the values for which a river segment listed in the National Wild and Scenic Rivers System or designated for study on the National Rivers Inventory was established.

Applicant Action

If a designated wild, scenic, or natural river or tributary may be impacted by the proposed project, the applicant should contact the Natural Rivers Program of the DNR Fisheries Division

during project planning. More information on river segments designated for protection can be found as follows:

Michigan river miles designated as part of the National Wild and Scenic Rivers System, administered by the National Park Service, are listed on the [DNR Web site - Natural and Wild & Scenic Rivers](http://www.michigan.gov/documents/dnr/map-state-federally-designated-rivers_313191_7.pdf?20151119173112) (www.michigan.gov/documents/dnr/map-state-federally-designated-rivers_313191_7.pdf?20151119173112).

Michigan Natural Rivers and their tributaries, as well as Michigan rivers federally designated for Congressional study are listed on the [DNR Web site - Natural Rivers](http://www.michigan.gov/dnr/0,457,7-153-10364_52259_31442---,00.html) (www.michigan.gov/dnr/0,457,7-153-10364_52259_31442---,00.html).

Michigan river segments in the Nationwide Rivers Inventory are listed on the [National Park Service Web site](http://www.nps.gov/ncrc/programs/rtca/nri/states/mi.html) (http://www.nps.gov/ncrc/programs/rtca/nri/states/mi.html).

If the proposed project could adversely impact a designated river segment, the applicant must either select an alternate project site or integrate into the project design the mitigative measures that have been recommended by the DNR Fisheries Division. If your project may affect a federal or state designated river shown on these maps or listed on the Web sites, you will need to contact the DNR Natural River Administrator below. While the River Administrator only has authority over the state-designated rivers, the office can assist in answering questions about federally-designated rivers or will refer/redirect to the appropriate federal office for further review.

Address: Natural River Administrator2
DNR Fisheries Division
PO Box 30446
Lansing, MI 48909-7946

15. Airspace and Airports

Federal Aviation Administration (FAA) regulations (14 CFR 77.13) and the Michigan Tall Structure Act (1959 PA 259) have notification and permitting requirements for any construction that may obstruct the use of airspace by aircraft. Structures that exceed specific height and runway proximity criteria will require a permit prior to construction.

FAA Advisory Circular 150/5200-33, the federal inter-agency agreement on aircraft/wildlife strikes and the Michigan Aeronautics Code (1945 PA 327), require that new or expanded potential wildlife attractants must be approved prior to construction. Examples of potential wildlife attractants include wastewater treatment facilities utilizing lagoons for treatment and effluent discharge outfalls.

Applicant Action

If the proposed project involves the construction of an elevated storage tank or a new or expanded wildlife attractant in the vicinity of an airport ('vicinity' defined as within 5 miles of any licensed airport) and/or inside the boundaries of an airport, the applicant must contact the Michigan Department of Transportation (MDOT), Bureau of Aeronautics at Lansing's Capital City Airport. A directory of licensed airports, grouped by city, is located on the [MDOT Aeronautics Web site](http://www.michigan.gov/aero/0,4533,7-145-61367---,00.html) (http://www.michigan.gov/aero/0,4533,7-145-61367---,00.html).

If a project falls within the 5-mile radius, the applicant should forward the facility name, location (including map), and a project description to:

Molly Lamrouex
Aeronautics Environmental Specialist, MDOT
2700 Port Lansing Road
Lansing, MI 48906-2160
lamrouexm@michigan.gov
517-335-9866

16. Land-Water Interfaces

The remaining environmental review actions relate to those activities that are regulated by the DEQ WRD or the United States Army Corps of Engineers (ACE). A screening will include the need for the ACE review for approval of projects involving waters under federal jurisdiction. The applicant should contact the appropriate DEQ WRD District Office responsible for the geographic area of the proposed project. District office addresses can be found on the [WRD Web site](http://www.michigan.gov/documents/deq/wrd-district-offices_345311_7.pdf) (http://www.michigan.gov/documents/deq/wrd-district-offices_345311_7.pdf).

A. Inland Lakes and Streams

The **Fish and Wildlife Coordination Act** (16 U.S.C. §661, *et seq.*) requires that fish and wildlife resources be protected whenever a federally-assisted project will result in the control or structural modification of any natural stream or other body of water.

Part 301 of Michigan's **NREPA** requires the evaluation and mitigation of any adverse construction impacts upon inland lakes and streams (e.g., bridge and culvert work, dredging, filling, open cuts and stream re-routings).

Applicant Action

The applicant must indicate in the project plan whether the construction of the proposed project will result in the control or structural modification of any natural stream or other body of water. If the proposed project will have such an impact on a water body, the applicant must note this fact in the contact letter that must be sent to the USFWS (see Item 10).

If the proposed project will result in the modification of a stream or other water body that could adversely affect fish and wildlife resources, the applicant must integrate into the project design the mitigative measures that have been recommended by the USFWS.

The applicant must also indicate in the project plan whether any project construction will occur in the land area of an inland lake or stream that lies below the ordinary high-water mark **or** on Great Lakes bottom lands. If so, the applicant will need to apply for a permit from the DEQ WRD. More information about this permit about can be found on the [DEQ Joint Application Permit Web site](http://www.michigan.gov/deq/0,1607,7-135-3313_24403---,00.html) (http://www.michigan.gov/deq/0,1607,7-135-3313_24403---,00.html).

If the project may adversely impact an inland lake or stream, including potential impacts due to groundwater and/or surface water dewatering, the applicant must either select an

alternate project site or integrate into the project design the mitigative measures that have been recommended by the DEQ WRD.

B. Floodplains

Federal **Executive Order 11988**, "Floodplain Management" (42 FR 26951) mandates the evaluation of the potential effects of a federally-assisted project upon floodplains in order to avoid adverse effects associated with direct and indirect development of the floodplains. The executive order further forbids federally-assisted project construction in a 100-year floodplain unless no practicable alternative exists.

Applicant Action

The applicant must indicate in the project plan whether any project construction will occur within the 100-year floodplain. The initial contact letter should include a Federal Emergency Management Agency (FEMA) floodplain map, obtained from the local community, with the areas affected by the proposed construction clearly marked. If a floodplain map is not available, the description of the proposed construction must include the elevation of the ground surface at the construction site and its distance from the water course.

If floodplains may be impacted by the proposed project, the final project plan must include all of the following:

- (1) A map showing the 100-year floodplains in the vicinity of the proposed project.
- (2) A discussion of the direct and indirect effects of the proposed project upon the floodplains.
- (3) A description of the alternate sites or actions that were considered to avoid those effects.
- (4) The reasons why the project must be located in or affect the floodplains.
- (5) A description of the mitigative measures that will be used to minimize adverse impacts.
- (6) A statement of whether or not the project conforms to applicable state or local floodplain protection standards.

All of these items must be discussed at the formal public hearing held prior to the adoption of the final project plan and public notices of scheduled meetings and hearings must mention that floodplains will be affected by the proposed project.

If floodplains will be adversely impacted by the proposed project, the applicant must either select an alternate project site or integrate into the project design the mitigative measures that have been recommended by the DEQ WRD.

C. Wetlands

Federal **Executive Order 11990**, "Protection of Wetlands" (42 FR 26961) mandates the evaluation of the potential effects of a federally-assisted project upon wetlands in order to

avoid adverse effects associated with the destruction or loss of wetlands and to avoid new construction in wetlands if a practicable alternative exists.

Applicant Action

If wetlands may be impacted by the proposed project, the final project plan must include all of the following:

- (1) A map showing all wetlands in the vicinity of the proposed project.
- (2) A discussion of the direct and indirect effects of the proposed project upon wetlands, including potential impacts due to groundwater and/or surface water dewatering.
- (3) A description of the alternate sites or actions that were considered to avoid those effects.
- (4) The reasons why the project must be located in or affect the wetlands.
- (5) A description of the mitigative measures that will be used to minimize adverse impacts.
- (6) A statement of whether or not the project conforms to applicable state or local wetlands protection standards.

All of these items must be discussed at the formal public hearing held prior to the adoption of the final project plan and public notices of scheduled meetings and hearings must mention that wetlands will be affected by the proposed project.

If wetlands will be adversely impacted by the proposed project, the applicant must either select an alternate project site or integrate into the project design the mitigative measures that have been recommended by the DEQ WRD.

If a wetland survey is required, we encourage applicants to engage a private wetlands consultant, as it does expedite both our state environmental review for environmental assessment publication as well as the permit review process. Alternately, applicants may choose to utilize the Wetland Identification Program administered by the WRD (formerly called the Wetland Assessment Program). The program information can be accessed at the [DEQ Wetlands Web site](http://www.michigan.gov/deq/0,1607,7-135-3313_3687-10193--,00.html) (http://www.michigan.gov/deq/0,1607,7-135-3313_3687-10193--,00.html).

D. Great Lakes Shorelands Protection

The **Coastal Barrier Resources Act** as amended by the **Great Lakes Coastal Barrier Act of 1988** (16 U.S.C. §3501 *et seq.*) prohibits federal assistance to a project which will impact undeveloped coastal barrier areas along the shores of the Great Lakes that have been included in the U.S. Department of the Interior's Coastal Barrier Resources System. The **Coastal Zone Management Act of 1972**, as amended (16 U.S.C. §1451, *et seq.*) requires that a federally-assisted project be consistent with the approved state coastal zone management program.

The coastal zone management program is administered through several coastal related sections of **NREPA** including Part 323 (Shorelands Protection and Management), Part 325 (Great Lakes Submerged Lands), and Part 353 (Sand Dunes Management).

Applicant Action

If the proposed project will be located near one of the Great Lakes, the applicant must provide a map in the final project plan showing the proximity of the proposed construction to the lakeshore. If the project will affect shoreland that is included in the Coastal Barrier Resources System or if the project is determined not to be consistent with the approved coastal zone management plan, the applicant must either select an alternate project site or integrate into the project design the mitigative measures that have been recommended by the DEQ WRD.

E. Army Corps of Engineers (ACE) Regulated Activities

The ACE regulates land/water interface activities under the following federal laws:

Section 10 of the **Rivers and Harbors Act of 1899**
Section 404 of the **Clean Water Act of 1977**

These laws require ACE permits authorizing activities in or affecting navigable waters of the United States, including the discharge of dredged or fill materials into waterways and adjacent wetlands.

Applicant Action

The applicant must contact the appropriate ACE office to determine if the proposed project will impact a water resource under federal jurisdiction.

F. Joint Permit Applications

A joint permit application (JPA), which the DEQ and the ACE share, is available to ensure efficient permit processing in areas where both agencies have jurisdiction. If a project requires permits/reviews for any of the following activities, only one application is required to meet state and federal requirements:

- (1) Wetlands
- (2) Inland Lakes and Streams
- (3) Floodplains
- (4) Great Lakes Bottom Lands
- (5) Marinas
- (6) Critical Dunes
- (7) Dams
- (8) High Risk Erosion Areas

This application is available on the [DEQ Joint Permit Application Web site](http://www.michigan.gov/jointpermit) (<http://www.michigan.gov/jointpermit>). The site also provides the tools needed to prepare the application, fee schedule, rules pertaining to the project, an application instruction

manual, staff contacts, resource location maps (including floodplain and wetlands mapping), and resource protection documents. There are also links to guidance information about each of the specific regulatory areas.