

Wetland Identification Program Application vs. Permit Application



DEPARTMENT OF ENVIRONMENTAL QUALITY ♦ LAND AND WATER MANAGEMENT DIVISION

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www.michigan.gov/deqwetlands

What is the difference between a Wetland Identification Program (WIP) application and a wetland construction permit application (pursuant to Part 303, Wetlands Protection, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended)?

A WIP application is a request for a service provided by the Department of Environmental Quality (DEQ) that helps landowners to identify areas that contain wetland and/or non-wetland on their property and whether the wetland is regulated under Part 303. This is a voluntary program to help property owners plan the use or development of their land.

A wetland construction permit application is required by Part 303 to conduct any regulated activities (e.g., dredging, draining, filling, maintained use or development, etc.) within a regulated wetland. Further explanation of the application process for each program is provided below.

WIP Applications

A wetland identification may be requested by landowners to identify the location of wetlands, whether or not the wetlands are regulated, and the location of non-wetland areas on the property. The WIP has been developed to assist landowners who want to know if permits are required in the development of a property. Although a wetland identification report from the WIP is not required to apply for a construction permit, an applicant is required to identify the location of wetlands on their property. Furthermore, submitting a WIP report with the construction permit application can expedite the permit application process by accurately identifying the wetland impacts of a project, allowing the landowner to avoid and minimize impacts to wetlands in the development of their property, or allowing the avoidance of wetland impacts entirely so that a wetland permit application is not needed.

In order to obtain a DEQ Wetland Identification, a WIP application and supporting documentation must be submitted.

Level 1: DEQ wetland inventory maps are now available and will be provided in place of the previous Level 1 service. DEQ wetland inventory maps for each county are available in electronic form, or can be requested in paper form at cost, on the DEQ Web site under Wetland Inventory Maps at www.michigan.gov/deqwetlands. Since these maps are not based upon an onsite review, the DEQ does not provide a jurisdictional guarantee or a map specific to the parcel.

Level 2: This service offers an onsite review of an identified area, up to five acres in size, by DEQ staff. DEQ staff will identify, with flagging, areas that contain wetland and determine whether the wetland is regulated under Part 303. The purpose of this type of review is to identify areas where permits are not required. Upon completion of a Level 2 review, a letter report and site map is sent to the applicant identifying whether there are regulated wetlands, non-regulated wetlands, and/or non-wetland (i.e., upland) areas within the area being reviewed. The letter report will provide a guarantee that the DEQ lacks jurisdiction under Part 303 over areas identified as non-wetland (i.e., upland) and non-regulated wetland for three years from the date of the site inspection.

Level 3: This service offers an onsite review of an identified area by DEQ staff to verify a wetland delineation (i.e., identification of a specific wetland boundary) completed by a wetland professional and/or consultant. The DEQ staff will verify flagged wetland boundaries placed by the applicant's wetland consultant and whether the wetland is regulated under Part 303. Upon completion of a Level 3 review, the DEQ provides a letter report and site map that will agree or disagree with the boundaries established by a wetland consultant. The letter report will provide a guarantee that the DEQ lacks jurisdiction under Part 303 over areas identified as non-wetland (i.e., upland) and non-regulated wetland for three years from the date of the site inspection.

Level 2 and Level 3 Express WIP Requests: Between May 1 and October 1, the applicant may request express handling of their WIP request. For an increased fee reflecting the additional cost to the DEQ (three times the standard fee), the DEQ will provide a report within 20 calendar days of a complete request for both Level 2 and Level 3 services.

In the event that weather conditions prohibit DEQ staff from conducting a thorough site review that includes evaluating vegetation, soil, and hydrology, the application and fee will be held until such time that the review can be conducted.

Additional information regarding the WIP and a fee calculator can be downloaded from www.michigan.gov/deqwetlands.

Wetland Construction Permit Applications

Part 303 requires a wetland construction permit application to be submitted, and a permit obtained, prior to undertaking any regulated activity (e.g., dredging, draining, filling, maintained use or development, etc.) within regulated wetlands.

In order to allow the DEQ to make a decision on a proposed activity within a wetland, the permit applicant must submit a complete application form (available at: www.michigan.gov/jointpermit), including accurate drawings showing the specific locations of all proposed activities which encroach upon the wetlands on the site (e.g., dimensions of structures, distances to reference points, amount of fill to be placed in a wetland, etc.). Although Part 303 does not require that an applicant have a WIP report, Part 303 does require the applicant to properly identify the location of wetlands that may be impacted and verify that the applicant has taken steps to avoid or minimize any impacts to wetlands.

Complete permit applications are forwarded to the DEQ field staff to perform an onsite inspection and determine if the proposed activities can be authorized. If there are wetland areas that have not been identified by the permit applicant, field staff may return the application for a wetland identification to be conducted. This may result in a delay in permit processing.

To obtain more information regarding wetland construction permit applications, please visit the DEQ's Web site at <http://www.michigan.gov/deqwetlands>.