Wetland Advisory Council
November 7, 2011
Minutes

Council Members Present: Dan Coffey, Gary Dawson, Sue Elston, Jeff King, John Konik, Scott Piggott, Joseph Rivet, Lee Schwartz, Steve Shine, Andy Such, and Grenetta Thomassey

Council Members Absent: Deena Bosworth, Susan Harley, Russ Mason, Erin McDonough, John Niemela, Chris Reidy, Donald Uzarski, and Todd Wyett

Others Present: Steve Daunt, Kim Fish, Dina Klemans, Amy Lounds, Mike O'Malley, Kristin Schuster, Dan Wyant, and Paul Zugger

The minutes from the September 22, 2011, Wetland Advisory Council (WAC) meeting were approved.

Legislative Update:

Senate Bill 744 has been introduced. The proposed bill was introduced by Senator Kowall and will amend the permit processing deadlines as mandated by Part 13, Permits, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended. This was a recommendation of the WAC.

Subcommittee Status Reports:

Joseph Rivet gave the status report for the General Permitting, Program Funding, and Public Outreach Subcommittee.

- The Erb Family Foundation will fund work by the Public Sector Consultants to review the work of the WAC and current funding, and put together a long-term funding proposal. The work will start December 1, 2011, and should be completed within 60 days.

- The minor project and general permit categories for utilities were issued by the Department of Environmental Quality (DEQ) on October 31, 2011. The DEQ continues to meet with drain commissioners, agriculture agencies, and transportation agencies to get those exemptions issued.

Jeff King gave the status report (available online) for the Permit Processing, Efficiency, and Program Structure Subcommittee.

- The subcommittee recommended language for wetland restoration and enhancement.

- Regarding the definition of wetland and wetland delineation, the subcommittee recommends that draft legislation be prepared that would reinstitute the two-parameter approach to wetland delineations.

Grenetta Thomassey gave the status report for the EPA Program Requirements and Federal Coordination Subcommittee.

- The subcommittee has decided to table the cranberry issue for now but realizes they have to deal with it and make a recommendation soon.

- Regarding the State Permit General Permit process, the United States Army Corps of Engineers (USACE) has begun discussions with the DEQ and meetings will be held soon.

- The biggest issue for the subcommittee is the agriculture and drain exemptions.

Director's Report:

DEQ Director Dan Wyant thanked the WAC members for all the work they've done. The end result of the WAC is to maintain a viable Wetlands Program that benefits Michigan and balances the interest of being leaders in environmental stewardship and assuring we're a full partner in Michigan's economy. Director Wyant has spent a lot of time meeting with legislators and key stakeholders educating them on wetlands. The fiscal year 2013 budget is due to the State Budget Office on November 9, 2011, and the DEQ's budget will include maintaining the Wetlands Program. Director Wyant feels now is the time to get legislation in front of the Legislature. He asked the Water Resources Division to prepare strawman legislation for discussion at the next WAC meeting. The legislation should include statutory exemption modifications, funding, correction of minor project and general permit application fees, enhancing mitigation banking, improve flexibility in mitigation issues, and clarify the intent to prioritize wetland protection efforts with local agencies. Director Wyant suggested presenting the Legislature with concepts rather than actual bill language, and once consensus is obtained, work with the Legislative Service Bureau on bill language.

Andy Such discussed the advisory committees formed by the Office of Regulatory Reinvention to review the various state departments' rules as mandated by Executive Order 2011-5. The committees will provide a final report to Governor Rick Snyder via the director of the Department of Licensing and Regulatory Affairs with recommendations on rules that need changes, should be rescinded, etc. Andy participated on the committee charged with reviewing the DEQ's rules. The committee created white papers for each rule reviewed and submitted them to the DEQ for additional information. The meetings of the committees are closed door meetings but comments can be submitted online or in writing as indicated in the Executive Order. If anyone has comments or suggestions that they'd like Andy to bring before the advisory committee, he can be reached at sucha@mma.net. Regardless of what recommendations the advisory committee makes regarding the Wetlands Protection rules, the WAC should move forward with their recommendations.

Joseph Rivet requested that the WAC subcommittees meet within the next 30 days and

be able to give the WAC an exact timeline of when their recommendations will be completed. At the next WAC meeting, Joseph would like to review the strawman legislation that the DEQ will provide, finalize a timeframe for final recommendations, and create a timeline for completion of the final report. He would also like to coordinate a presentation by Russ Harding at a future WAC meeting.

The next WAC meeting was scheduled for December 16, 2011, 9:00-11:00, at MUCC. It was decided that the subcommittees would have their final recommendations completed and circulated to the WAC by December 1, and draft legislation/concepts to the WAC a few days in advance. Joseph asked that if a WAC member is going to oppose a recommendation, they be prepared to outline what that means in the process.

Meeting was adjourned at 12:18 p.m.