

WETLAND ADVISORY COUNCIL AGENDA
NOVEMBER 8, 2010

Michigan United Conservation Clubs
2101 Wood Street, East Lansing, Michigan

REGULAR COUNCIL MEETING

- 11:00** Approve Minutes from September 13, 2010, Meeting
- 11:15** EPA Subcommittee Report
- Feasible and prudent guidance document
 - EPA program review status of remaining issues
- 12:00** DNRE strategy for addressing the Council's October 1 Report
- 12:30** Council subcommittees and work plan
Agriculture/Drain Exemptions Workgroup
- 1:45** Schedule meetings for upcoming year
- 2:00** Adjourn

Wetland Advisory Council
Michigan United Conservation Clubs, East Lansing
Monday, November 8, 2010

Meeting Minutes

Council Members Present: Joseph Rivet, Jeff Auch, Gary Dawson, Sue Elston, Tom Hickson, Jeff King, Erin McDonough, Lee Schwartz, Steve Shine, Grenetta Thomassey, and Don Uzarski

Council Members Absent: Dan Coffey, Randy Gross, Susan Harley, Mindy Koch, John Konik, John Niemela, Chris Reidy, and Todd Wyatt

Others Present: Scott Piggott, Melanie Haveman, Kim Fish, Peg Bostwick, Amy Lounds, and Todd Lossee

The Council voted and approved the minutes from the September 13, 2010, meeting.

The Council discussed the draft "Feasible and Prudent Guidance Document." The following changes were requested:

- The following bullet on page 9 was deleted: "Boring under a streambed to allow placement of a pipeline or utility line, rather than trenching in the stream and adjacent wetlands."
- Change the sentence following the bulleted items on page 9 to: "Many other alternative methods to avoid resource impacts, including advancements in construction technology, have been used to meet the needs of particular projects, and applicants should be encouraged to be innovative in this regard."

The Council voted and agreed to the changes discussed. After the changes are made, the document will be ready for the Department of Natural Resources and Environment's (DNRE) Water Resources Division to finalize and get it approved by DNRE Executive Management.

Work has not begun regarding the EPA program review status of remaining issues due to time spent on the feasible and prudent guidance document. This will need to be added to a future agenda.

Kim Fish discussed the DNRE's strategy for addressing the Council's October 1, 2010, report. Staff has been assigned to address each of the recommendations in the report. The recommendations include:

- Continue outreach efforts through the Michigan Wetland Association and other stakeholder groups: Efforts include drafting a strategy for education and outreach; assisting the Michigan Wetland Association with their 2011 conference (the DNRE has applied for funding to assist with this); and working with home builders to create a joint publication for education to home builders (the DNRE has applied for grant funding to assist with this).

- Decentralize permit processing as much as possible: Staff is currently reviewing all the different functions in the Permit Consolidation Unit. Some of the functions have already been decentralized to district offices but there are plans to decentralize more. This will take a while longer because of technology and significant retirements that will take place over the next couple months
- Database improvements: The Council recommends the DNRE update their current permit database and implement technology upgrades. The DNRE has signed a contract with the Department of Technology and Management and Budget to begin Phase II of database development. There is a contractor already onboard and the Phase II analysis should be completed by May 1, 2011. Phase III will be the development of a new database; the DNRE is looking at multiple funding sources to pay for this phase. The Water Resources Division has formed an IT Team to look at utilization of other technologies in the division (NOMADS, smart phones, GPS, GIS, etc.). The IT Team's recommendations are due to the division management team by the end of the year. The Council has indicated that it supports full appropriation of funding to implement technology and database improvements.
- Amend sunsets for preapplication meetings: This was completed, passed, and signed.
- Review of existing application form should be undertaken by an independent professional: The wetland restoration projects application form is currently being reviewed by staff. There is no funding available to hire an outside contractor to do this review; therefore, this part of the recommendation is on hold until funding is available. There are also restrictions on hiring outside contractors.
- The Council supports the expansion of general and minor permit categories: This is currently underway. This is a very significant project with 50-70 categories. Discussions will be needed with stakeholders and interested parties for some of these categories. The goal is to have some of the new general and minor permits in place by the next construction season (summer).
- The Council recommended, at the request of the applicant, the permit processing time period shall be extended for 120 days. This requires a statutory change to Part 13, Permits, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended; Section 1307(1); MCL 324.1707(1). This is something the Council needs to act on and take a closer look at. The DNRE is not in a good position to propose amendments to statutory time frames but would be supportive if the Council pursues this.
- The Council recommends the DNRE develop guidance to assist staff and the applicant in coordinating project avoidance, minimization, and mitigation requirements, and a procedure for an extension of timelines: The DNRE has not moved forward with this because it does not have the ability to develop procedures or guidance that supercede statutory time frames. If the previous recommendation on amending time frames does not move forward, then the DNRE can determine if something can be done with the existing timeframes to assist applicants in documenting their applications better.

- EPA Subcommittee Recommendations: Deadlines for most of the recommendations are in 2012. Staff has been assigned to each of the recommendations. The Memorandum of Agreement is currently being worked on and should be completed by the end of 2010. The feasible and prudent guidance document was due October 15; although the deadline was missed, the document is very close to being finalized.

It was decided that the subcommittee structure will remain the same for the new subcommittees for 2011-2012. The subcommittees are:

- Permit Processing, Efficiency, and Program Structure Subcommittee (Chair – Jeff King; members – Dan Coffey, Gary Dawson, John Konik, Erin McDonough, John Niemela, Steve Shine, and Todd Wyett)
- General Permitting, Program Funding, and Public Outreach Subcommittee (Chair – Jeff Auch; members – Randy Gross, Tom Hickson, Mindy Koch, Chris Reidy, Joseph Rivet, and Don Uzarski)
- EPA Program Requirements and Federal Coordination Subcommittee (Chair – Grenetta Thomassey; members – Sue Elston, Susan Harley, and Lee Schwartz)

If anyone would like to change subcommittees, please let Joseph know. The subcommittees can start meeting now.

The following changes to the subcommittee responsibilities, as indicated in the document Peg Bostwick distributed, were discussed:

- Change the name of the Program Funding and Public Outreach Subcommittee to General Permitting, Program Funding, and Public Outreach Subcommittee.
- Move "(d) Minor project categories and general permits." to the General Permitting, Program Funding, and Public Outreach Subcommittee.
- The General Permitting, Program Funding, and Public Outreach Subcommittee will cover minor permits and general permits.
- Move "(f) The promotion of the development of wetlands mitigation banking." To the General Permitting, Program Funding, and Public Outreach Subcommittee.
- The General Permitting, Program Funding, and Public Outreach Subcommittee should also include a general agriculture and drain exemptions work group.

The Council voted and approved the changes to the subcommittee structure and responsibilities.

It was suggested that Council meetings be held quarterly or every other month due to the time the subcommittees need to meet and work on their responsibilities.

The next Council meeting will be scheduled for April 2011. Details will be worked out at a later date.

Joseph will try to schedule a meeting in January so the DNRE, Water Resources Division, staff can give their presentations on landscape level assessments and program funding. Governor Rick Snyder or Governor Snyder's Environmental Advisor and the new DNRE Director will be invited to attend.

Meeting was adjourned at 1:40 p.m.