

Permit Processing, Efficiency, and Program Structure Subcommittee
Recommendation to Wetland Advisory Council June 9, 2001

“While the charge of the WAC Permit Processing and Efficiency Subcommittee is to **“identify scientific methods to achieve more consistent and accurate determinations of wetland functions and values for reviewing applications for permits, watershed planning, conservation plans and other purposes,”** (a fairly broad task) the subcommittee has focused on whether or not “scientific methods” can be effectively utilized in the **permitting process**. As part of that focus, the sub-committee has reviewed the applicability of MiRAM, a rapid assessment tool for evaluating wetland functions and values in Michigan, in an effort to determine whether such a “scientific method” would be helpful to both the regulators and the regulated community. The Michigan DEQ and a team of stakeholders recently developed MiRAM after similar (and apparently successful) approaches being taken in other Great Lakes states (e.g. Ohio and Minnesota). Subcommittee members interviewed various users in the state of Ohio of a similar tool (ORAM) in an effort to understand the pros and cons of such usage. After substantial discussion, the subcommittee determined there are no easy ways to implement MiRAM (or any other scientific method) by simply recommending that the tool be utilized by the DEQ and applicants. The subcommittee generally agreed that such a tool removes some subjectivity from a permit application review process, but for example it would not necessarily make it easier for an applicant to obtain a permit in a wetland with minimal value than what currently occurs during a typical DEQ permit application review. The DEQ wetland permitting process will always be subject more or less to the “feasible and prudent alternative test” regardless of wetland quality (function and value). Therefore, the “benefit” that some users (i.e. permit applicants) may have anticipated by implementation of certain “scientific methods” may not be attainable through use of this type of mechanism. In most applications (plus or minus 80% according to DEQ staff), MiRAM would not have significant impact on the permit application process and may increase the cost to the applicant and the department. The MiRAM system is a tool for organizing information about plants, hydrology, and soils into a standardized format that can be used to assess the function and value of a wetland. If used in the permit application process, MiRAM can make the discussion between the DEQ and consultants/applicants more “scientific” because there is an agreed upon “knowledge base” for discussions of wetland functions and values.

Therefore, the subcommittee suggests the following proposed action for consideration by the full council:

The WAC supports the DEQ using MiRAM and other scientific methods for wetland monitoring, for evaluating potential preservation sites, and as one tool when there is a dispute regarding the benefits derived from a wetland (e.g., functions and values or quality of a wetland). The WAC recommends that the DEQ continue to develop MiRAM as a tool to be used by staff and consultants and work with the MiRAM Development Committee to further calibrate the method and provide future training. The WAC recommends that MiRAM be used when a permit applicant requests its use as a potential tool to resolve a disagreement between DEQ staff and a permit applicant or consultant. The WAC recommends that the DEQ establish a database which documents use of MiRAM on individual permit applications by staff and/or consultants and that such a database be shared with stakeholders (e.g. the WAC) before additional implementation.”