Introduction to Michigan's Wetland Program



Michigan Wetlands -















Part 303 – Wetland Protection, of NREPA

"The legislature finds that... A loss of a wetland may deprive the people of the state of some or all of the following benefits to be derived from the wetland..."

- Flood and storm control
- Wildlife habitat
- Protection of subsurface water resources and recharging ground water supplies
- Pollution treatment
- Erosion control
- Nursery grounds and sanctuaries for fish



Economic values

State Migratory bird hunting \$21.7 million/year





Passive recreation – Saginaw Bay coastal wetlands \$239 million in present worth

Ecosystem services NJ – freshwater wetlands \$9.4 billion/year



A high percentage of Michigan residents recognize the multiple benefits provided by wetlands.

Percent of Michigan residents who view various wetland services as very important or extremely important:

- Wildlife habitat
- Fish habitat
- Flood control
- Wildflower/habitat
- Water filtration

87% 78% 75% 73% 73%

- Michael D. Kaplowitz and John Kerr, Michigan residents' perceptions of wetlands and mitigation. *Wetlands*, Vol. 23, No. 2 June 2003

Part 303, Wetland Protection...

Protects wetland functions and values by requiring permits for activities within wetlands.



Regulated wetlands:

- Connected to other waters
- Within 500 feet of inland waters, or 1000 feet of the Great Lakes
- More than 5 acres in size
- DEQ has determined that the wetland is essential to the preservation of the state's natural resources.

Part 303 ... regulated activities

- Deposit or permit the placing of fill material in a wetland.
- Dredge, remove, or permit the removal of soil or minerals from a wetland.
- Construct, operate, or maintain any use or development in a wetland.
- Drain surface water from a wetland





Streamlining wetland protection

1. Legislative exemptions

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3.

4.

Consolidate permitting under multiple state authorities

Coordinate with federal permitting / assume authority where possible

Expedite processing for minor activities

5. Technological efficiencies



#1. Legislative exemptions from wetland permit requirements include...

Fishing, trapping, boating, hiking



Specified farming and forestry activities – plowing, planting, harvesting, minor drainage; grazing; stock ponds

Farm and forest roads



Maintenance - road, utilities, dikes, drains, permitted structures

#2. Consolidated permit processing – pioneered by LWMD prior to passage of wetland law

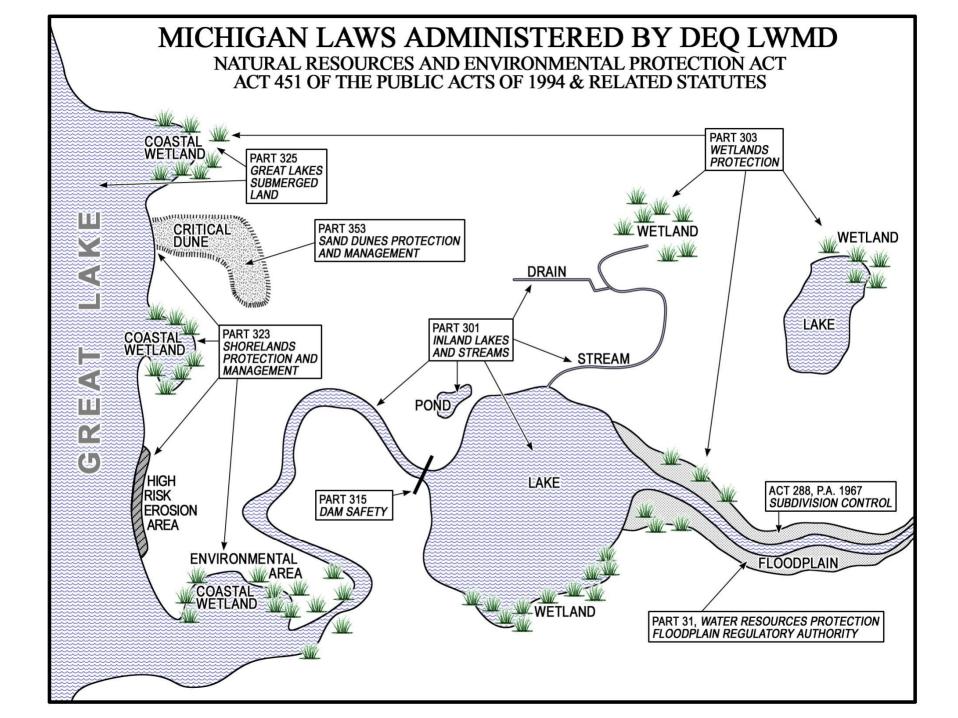
Single permit application –

Single fee -

Simultaneous review under all pertinent authorities.



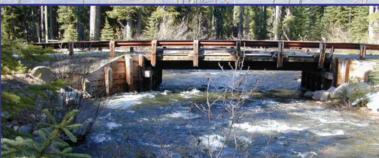




Part 301, Inland Lakes and Streams

Protects inland waters by regulating work in inland lakes and streams.

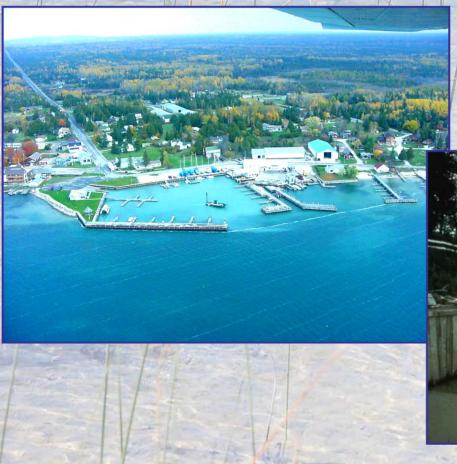
- Boat ramps Bridges and culverts Dams
- Dredge and fill
- Marinas
- Permanent structures in regulated areas
- Ponds
- Shoreline protection
- Streambank stabilization





Part 325, Great Lakes Submerged Lands

Protects our Great Lakes resources by regulating development below the ordinary high-water mark.





#3. Coordination with federal agencies

1977 - Joint permit application with Corps of Engineers



1979 - Passage of Wetland Protection Act, with intention to assume administration of federal permit program

1984 - Michigan became the first state to receive EPA approval to administer CWA Section 404 Permit Program.

State - Federal Consistency

(e.g. exemptions, general permits, public notice procedures, criteria)

A state Section 404 Program must meet federal Clean Water Act standards,

> ...to protect interstate resources.

…to ensure a "level playing field" in the national wetland permit program. "Any approved State Program shall, at all times, be conducted in accordance with the requirements of the [Clean Water] Act and of this Part.

While States may impose more stringent requirements, they may not impose any less stringent requirements for any purpose."

40 CFR §233.1

State - Federal Coordination.... ... consistent but not identical authorities

- State "404" permits are issued under state law
- Foundations include land use regulations, Public Trust responsibilities, recognition of riparian rights
 - Policies and procedures specific to state needs while federally consistent

WETLAND CONSERVATION EASEMENT NO CONSTRUCTION OR PLACEMENT OF STRUCTURES ALLOWED NO MOWING, CUTTING, FILLING, DREDGING OR APPLICATION OF CHEMICALS ALLOWED MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY



A wetland permit issued by the department typically carries with it the following authorizations, at no additional expense to the applicant:

- Authorization under Section 404 of the Federal Clean Water Act
- Water Quality Certification under Section 401 of the Clean Water Act
 - **Coastal Zone Certification**
 - Screening and coordination with state and federal endangered species programs
- Screening and coordination with the federal historic preservation program

#4. Minor and general permits

- For activities that have minor individual and cumulative impacts, and do not require public notice
- Similar process for Parts 301 and 303
- Lower fees, generally quicker
- Expanded under PA 120

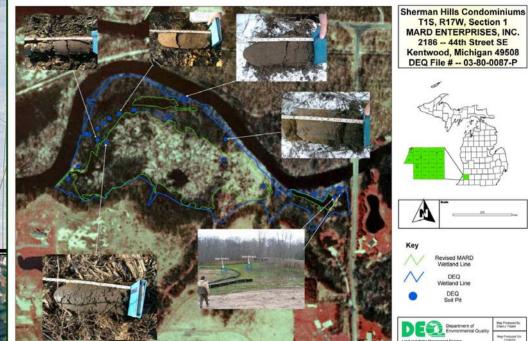
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#5. Technology driven efficiencies









Current Wetland Program Summary

- LWMD processes about 1500 <u>wetland</u> permit applications per year (out of 4000-6000 applications under all statutes)
- 78 LWMD staff contribute to wetland program, including 57 field staff in 10 offices
- Permit issued to 90% of applicants, but with modifications to significantly reduce total wetland impacts
- Processing time: Average for complete applications
 - 65 days if public notice required
 - 14 days (or less) for general permits
 - Legal maximum = 90 days (120 if there is a hearing)



