

Wetland Advisory Council Meeting
MUCC
Monday, July 12, 2010

Meeting Minutes

Council Members Present: Joseph Rivet, Tom Hickson, John Konik, John Niemela, Carrie Vollmer-Sanders, Dan Coffey, Mindy Koch, Susan Harley, Don Uzarski, Erin McDonough, Gary Dawson, Sue Elston, Jeff King, Lee Schwartz, Jeff Auch, Stephen Shine

Council Members Absent: Randy Gross, Chris Reidy, Grenetta Thomassey, Todd Wyatt

Others Present: Kim Fish, Peg Bostwick, Liz Browne, all DNRE; Chris Hewitt, MDA

- The Council voted and approved the draft minutes from the April 30, 2010 meeting.

DRAFT LETTER TO SENATOR BIRKHOLZ AND REPRESENTATIVE WARREN
from the Council supporting extending the sunsets for pre-application meetings in Section 30306b of Part 303, Wetlands Protection.

- Lee Schwartz spoke to Senator Birkholz and she is willing to submit blue back.
- There was discussion on an end date of 2013 or 2014.
- Carrie Vollmer-Sanders requested that the phrase “or eliminating” be removed from the last paragraph.
- Vote was taken and all approved sending the letter.

PROGRAM EFFICIENCY SUBCOMMITTEE (Handout #2)

Jeff Auch, Chair

Recommendations:

- Database Management (CIWPIS Update)
Need to update database management system and there should be measurable objectives or efficiencies recorded and reported back to the Legislature.
- Training & Outreach
Development of an outreach strategy to educate the public and individual stakeholder groups. Need to target small developers, contractors, local building officials, etc.
- Landowner/Project Assistance
Further discuss permit withdrawal procedures with the possible solution of using administrative rules to create a waiver that is signed and agreeable to both parties (MDNRE and landowner) to extend timeline.

- **Permit Consolidation Unit (PCU)**
MDNRE to utilize field staff for permit processing to determine where these efficiencies might be accomplished. The Permit Consolidation Unit needs to be decentralized, recognizing that the public notice portion needs to be coordinated.
- **Compliance & Enforcement**
The committee could explore the means to have developers/contractors assist in natural resource violations. Several committee members indicated this can be an educational process, but did not want it to become a written contractual process. Further discussion on the contested case process, specifically third party contested cases.
- **Wetland Restoration Permitting**
Ensure wetland restoration projects meet Nationwide 27 permit process and are not more restrictive.
The MDNRE has a general permit for wetland restoration that is similar to the Nationwide 27 process; but one of the amendments to PA 120 requires the department to establish minor projects and general permits that are consistent with this process.
Kim Fish read the definition of 27, "...except for the relocation of non-tidal waters on the project site this nationwide permit does not authorize the conversion of a stream or natural wetlands to another aquatic type (e.g. stream, wetland, or vice versa), or uplands.

SUBCOMMITTEE ON EPA SECTION 404 PROGRAM REQUIREMENTS (Handout #3)
Carrie Vollmer-Sanders - Chair

General discussion on the issues that were identified as a result of EPA's audit of Michigan's Section 404 Program. Several items have been completed or addressed. The following items need to be discussed further.

- Item #2 – further discussion between the subcommittee and the council that will progress beyond October 1st.
- Item #3 – further discussion that will progress beyond October 1st.
- Item #4 and #5 – Stakeholder meeting with the Drain Commissioners and members of the subcommittee.
- Item #6 – Stakeholder meeting with MDOT and members of the subcommittee.
- Item #7 – Joseph Rivet will check off with the minors.
- Item #15 - Promulgate administrative rules on feasible and prudent alternatives and rescind the division's guidance/procedure and replace with a revised version by October 15, 2010. Peg Bostwick will submit the old guidance document and federal language to the committee within two weeks.

- Item #19 - MDNRE will develop a method to screen walk-in permits for Threatened and Endangered Species. Draft procedure will be submitted to the committee in six weeks.

By the end of this year, DNRE will have the draft administrative rules prepared.

Michigan will request a 24-month extension to EPA to comply with their audit items.

Lee Schwartz will e-mail the Rulemaking Process to all council members in order for everyone to understand the process.

PERMIT PROCESSING AND EFFICIENCY SUBCOMMITTEE (Handout #4)

Jeff King, Chair

Further discussion or effort on the following items:

- Item #1 - Ongoing discussion of the wetland permit application process.
- Item #2 - Ongoing subcommittee effort to compare the Michigan permit review process with other states and the USACE.
- Item #3 - A statutory change to Part 13 to allow the applicant to extend the application processing period for a permit by not more than one year.
- Item #7 - Awaiting the Wetland Restoration Workgroup's recommendations by the first part of August. The WAC Subcommittee can meet and/or review the recommendations and inform the full Council.
- Item #8 - Awaiting final data from the pilot projects.

Report Writing -. keep it as short as possible, no longer than a few pages long.

1. Identify the specific recommendations the council has identified.
2. The timelines discussed in today's meeting.
3. What needs to be worked on in the course of the next two years.
4. General information on the council and its charge.

Future Meetings

Next full council meeting will be held on August 27th at the University of Michigan Biological Station in Pellston, hosted by Grenetta Thomassey.

Public meetings will be held in:

August 11, 2010 in Bay City from 5:00-7:00

August 17, 2010 in Holland from 5:00-7:00

Possible tentative meeting in the Upper Peninsula on August 26th.

A full Council meeting will be held on September 10th with a tentative hold for a second meeting on September 24th, if needed.