



## COUNTY ROAD ASSOCIATION OF MICHIGAN

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### **Talking Points- Returning Wetland Permits to the Federal Government**

#### **Summary:**

In the 2009 State of the State address, Gov. Granholm announced a plan to return federal wetland permit decisions to the federal Environmental Protection Agency (EPA) and U.S. Army Corp of Engineers (USACE). Several bills have been introduced to transfer the responsibility and duties of the Environmental Protection Act, Part 404 Wetland Program back to the USACE including: **House Bill 4153**, introduced by Rep. Jim Stamas (R-Midland); **House Bill 4542**, introduced by Rep. Tom Pearce (R-Kent); and **Senate Bill 187**, introduced by Sen. Roger Kahn (R-Saginaw).

#### **CRAM position:**

**CRAM opposes this legislation. If the legislation continues through the legislative process, CRAM will seek possible amendments regarding enforcement of EPA standards by giving county government the option to take over these responsibilities.**

#### **Background:**

The Michigan Department of Environmental Quality (DEQ) has enacted, implemented and enforced the state's wetland permitting program since 1995. Michigan and New Jersey are the only states to administer their own program as well as the federal Environmental Protection Act. Because most states do not administer their own programs, many see the program as expendable, but the advantages to Michigan of keeping the program here far outweigh any potential cost savings.

#### **Talking Points:**

- While returning this program to the federal government may help balance the FY 2010 DEQ budget by reducing their budget by approximately \$2 million, it will not create a \$2 million savings in general fund revenues.
- Road agencies fund Full-Time Employees (FTEs) specifically designated to handle transportation environmental permits within the DEQ to expedite wetland permits for road agencies. This funding comes from the Michigan Transportation Fund (MTF) and potential "savings" could not be directed to other state programs. It would also not free up funding for road projects! Road agencies will still need to obtain state permits under Parts 301 and 31 of the Natural Resources and Environmental Protection Act (NREPA), which is very common under a large number of transportation projects.
- The USACE would also be processing some of the same projects that DEQ processes under federal law, increasing the burden of obtaining permits from both agencies for the same project, as is currently the case for Section 10 waterways. Both agencies would have authority over some stream crossings under Section 404 of the Clean Water Act and Part 301 of NREPA.

- The DEQ processes 66 percent of road agency permits in 30 days or less and according to MDOT, the USACE's processing time is approximately 115 days, and can take as long as a year. A statistic quoted in a court action in June 2006 states, "the average applicant for a nationwide permit spends 313 days and \$28,915, not counting the cost of mitigation or design changes." Permit delays would increase significantly if the program reverts to USACE.
- Road agencies across the country marvel at the system Michigan has which can secure permit approval in less than 30 days. Other states using the federal USACE system are accustomed to waiting one year for permit approval.
- A recent survey of DEQ programs revealed satisfaction with the Wetlands Program was 77 percent. More than 70 percent said their permits were timely and 84 percent said staff was professional.