

Talking points for discussion at the April 30, 2010 Wetland Advisory Council Meeting

Land and Water Management Division Regulatory Efficiency Efforts

Joint and Consolidated Permitting Process

Applicants need to fill out only one set of forms to address state requirements for all of the land and water managed programs as well as the federal requirements for the “404” program (wetlands and inland lakes and streams)

Division staff coordinates the many state and federal reviews needed on behalf of the applicant – including

- ❖ Federal Clean Water Act Authorization
- ❖ Water Quality Certification
- ❖ Coastal Zone Consistency Certification
- ❖ Screening with Federal and State Endangered Species Programs
- ❖ Screening with the Federal Historic Preservation Program

Value Stream Mapping (Lean Process Evaluation)

The Land and Water Management Division undertook a review of the consolidated permitting process in 2004 and 2005. The team included both division staff and outside stakeholders with an eye towards making the permit review process more efficient and had reducing the number of incomplete applications received as a major focus area.

A majority of the recommendations from this effort have been implemented:

- ❖ Expedited permit process that allowed contractors who had undergone division training to meet with division staff during open office hours to receive a minor permit authorization the day of application. This process had to be eliminated with the requirement under Part 13 that applications be processed in the order in which they were received.
- ❖ Expanded the universe of general permits and minor projects
- ❖ Developed an application screening process to more quickly identify some basic components of an incomplete application (such as lack of fee or signature)
- ❖ Expanded use of pre-application meetings
- ❖ Development of EZ Guides for the most popular permit requests
- ❖ Contractor training

The remaining recommendations have been partially instituted within the division. Full implementation requires resources beyond those currently available to the division.

- ❖ All permit applications should be processed completely in the field offices. This is true for general permits, minor projects, critical dune applications and all projects in the counties covered by the division’s Lansing District. The Lansing District was chosen as the pilot for this effort and as it has shown to be successful, the pilot has been left in place.

- ❖ Site inspections should be conducted during the initial 30 day completeness review time frame. In most cases this is not occurring for individual permit projects that require public noticing. These projects are still processed through the Permit Consolidation Unit in the Lansing division office. The exception as noted above is for the eight county Lansing district pilot area.

Work Load Reduction Implementation Plan

In the fall of 2007 when it became obvious that a quick fix would not be found to a structural imbalance in the division's funding and staffing and its responsibilities to protect Michigan's sensitive natural resources the division began an effort to evaluate program implementation to realign work effort to the highest priority issues. This resulted in the generation of a work load reduction plan that was presented to then Director Chester in February of 2008. The hand out that you have been provided gives the background to the development of the plan and the action items that were implemented. This plan was later reviewed by the department's Environmental Advisory Council where it was given full support.

Additional Actions and Tools

The coordination of permit applications across the division and with the Army Corps of Engineers, creation of the EZ Guides, contractor training efforts by the districts and pre-application meetings has already been mentioned. Additional efforts to gain efficiencies include:

- ❖ Active participation in the department's Environmental Assistance Center (the "800" number that people can call for help with department issues)
- ❖ Maintenance of the division web site – both for individual program areas as well as specifically for the application process
- ❖ Having permit tracking available via "CIWPIS" on line so that interested parties can check on a permit application without having to contact staff
- ❖ Use of electronic mail to interact with local units of government and applicants more quickly
- ❖ Acceptance of credit card and electronic fund transfers for fee payments, significantly reducing the division's overhead as compared to cash handling

Wetland Program Specific Actions

- ❖ Used federal grant money to complete the mandated State-wide Wetlands Inventory
- ❖ Developed a Wetland Mitigation Banking Program
- ❖ Revised the Wetlands Identification Program rules to make it more responsive by allowing expedited review requests that are accompanied by the higher fee
- ❖ Refined the rapid assessment model to use in Michigan to aid staff in evaluating the values and functions associated with the wetlands that they are reviewing, resulting in more consistent evaluations state-wide
- ❖ Developed a landscape level assessment tool to aid watershed groups and others in evaluating the values and functions of a wetland system within the larger landscape

On a final note, in 2009, 4239 applications were received. Of these 2910 (over 68%) were processed without a correction return being needed. 34% of the applications (1451) had a final action issued within 30 days of receipt.

Land and Water Management Division Wish List

While the easy response might be – more money and more staff – that is not of use as one can always do more if the resources are available, and find more that you could do if you just had more staff, money and time. In terms of what the major impediments are to running an efficient program, or things that cause staff the most distress, the division wish list is fairly short, but not necessarily easy:

- ❖ A computer database for the 21st century – the current program was designed in the late 1970s with the last major upgrade in the 1980s. The platform used is no longer supported by the state's information technology office. An updated system (both software and some field hardware) would allow staff to be more efficient in managing their permit files and would provide managers at all levels better tools to evaluate work loads and effort across the state.
- ❖ Better outreach capability to local units of government, potential applicants, contractors and the general public. Much of the applicant pool interacting with the division is one time contacts. This coupled with the program's regulation of private property leads to much distress on the part of the applicant and the need to often spend staff time helping "mom and pop". While this is the area that staff have indicated they would like to spend more time, and some outreach is conducted on a limited basis, it is insufficient. Having the wherewithal to have a robust outreach program would help both the regulated community and the division.
- ❖ Capability to provide staff training on a regular basis. This would address educating staff on any program changes, new technologies, new requirements, updated contested case or court decisions, etc. It would also allow for more cross-program interaction that is necessary to assure consistent application of the program requirements state-wide. It would also be an aid to staff in dealing with the unusual situations that arise by giving them a larger pool of people with whom they have built up a relationship as resources.