

The administrative rules for Part 303, Wetlands Protection, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, require that a mitigation plan be submitted by the permit applicant when wetland mitigation is required by the Michigan Department of Environmental Quality (DEQ). An applicant must submit a conceptual wetland mitigation plan with their application if wetland impacts of 1/3 of an acre or greater are proposed. This conceptual plan must include the following:

1. A DEQ Wetland Data Form summarizing information regarding the wetland that is proposed to be impacted and how the mitigation proposed will compensate for the wetland benefits provided.
2. The location of the proposed wetland mitigation site in relation to the site proposed for wetland impacts and a location map for the mitigation site showing surrounding roads and other landmarks.
3. The acreage and ecological type of the wetland that will be created or restored.
4. A description of the baseline conditions at the proposed wetland mitigation site (e.g., existing topography, hydrology, soils, and vegetation).
5. A description, and plan view as appropriate, of the method that will be used to create or restore wetland. An engineered design is not required when the application is submitted, but the water supply should be identified (e.g., will the project involve excavation, impoundment, or breaking drain tiles?). If wetland preservation is proposed, a description of the proposed preservation site and justification for preservation credit in accordance with Rule 5 of the Administrative Rules for Part 303.

If approved credits from a wetland mitigation bank are proposed as the wetland mitigation, then Items 4 and 5 above do not need to be submitted by the applicant.

Submittal of this information with the permit application helps minimize delays in review and provides better coordination with federal agencies, more accurate and complete information to the public and other stakeholders, and a more predictable mitigation review process for the applicant. Furthermore, information provided on the Wetland Data Form regarding the wetland proposed to be impacted should also result in delineations consistent with the MDEQ Wetland Identification Manual: A Technical Manual for Identifying Wetlands in Michigan and Part 303.

Applicants with coastal and other projects which involve dual jurisdiction (U.S. Army Corps of Engineers [USACE] and the DEQ) will not be required to submit both the USACE data form and the DEQ data form. The DEQ will accept the USACE form for these dual jurisdiction projects.

An application that does not include these materials will be considered incomplete. Authority for these requirements is found in Rule 5 of the Administrative Rules for Part 303 and in Section 30306(1)f of Part 303.