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Good afternoon and Happy Saint Patrick's Day!

I would first like to thank the Department of Environmental Subcommittee Chair, Representative Bennett, and the Great Lakes and Environmental Committee Chair, Representative Warren, and both committees for allowing me the opportunity to testify. For those of you who do not know me, my name is Cynthia Ann Paul and I'm the legislative Director for the Service Employees International Union (SEIU) here in Michigan. Currently, SEIU represents 80,000 members and their families here in the state of Michigan and more than 2-million members nationwide.

SEIU adamantly opposes the Governor's Proposal to turn over our state's oversight and regulation of our state's wetlands to the federal Army Corp of Engineers (ACE) and the federal Environmental Protection Agency (EPA) which has oversight over the ACE. We encourage you to vote "no" on House Bill 4153 and Senate Bill 187.

Both of these bills repeal the state's assumption of authority to administer Section 404 of the Clean Water Act (CWA) and our state's Wetlands Protection Act (WPA) to federal ACE and EPA. SEIU believes that this will jeopardize our state's most abundant and precious natural resource, water; lead to further delays in getting wetland permits, costing Michigan taxpayers jobs, property damage and higher insurance costs; and is contrary to and unconstitutional under Michigan's Constitution.

SEIU Local 517M represents 30 employees that will be displaced if our wetlands program is turned over to the federal ACE and EPA. While it is true that most of these employees are concerned about their employment, they are even more concerned about this proposal's impact on our state's natural resources. These employees are dedicated to the Wetlands program because they love and care about the protection of Michigan's wetlands and our state's most precious resource, water.

In 1979, the state of Michigan enacted the Wetlands Protection Act, now part 303 of the Natural Resources and Environmental Act (Act 451 of 1994, as amended). In 1984, Michigan Acquired Authorization to administer Section 404 of the federal CWA. This was because the state legislature understood the importance of healthy wetlands and that they are absolutely essential to protecting water quality. First of all, wetlands act as filters to retain and remove pollutants before they get to our state's rivers, streams and lakes. Secondly, they control flooding by acting as a sponge, decreasing flood peaks and safeguarding downstream property owners, by temporarily storing flood waters. Thirdly, they replenish our ground water supplies. Lastly, these swamps, bogs, peat lands, wet prairies and meadows, sloughs and vernal pools contain some of our state's most biologically productive ecosystems and provide habitat for a wide variety of fish and wildlife.

The state program covers 95.1% of our state's wetlands and also covers activities not currently regulated by federal Section 404 of the CWA, such as wetland excavation, dredging, and some drainage activities. Due to some recent Supreme Court case and administrative action it is estimated that 930,856 acres (approximately 17% of our wetlands) are not clearly regulated under the federal program and may be in jeopardy. Furthermore, the Michigan Department of Environmental Quality (MDEQ) has approximately 20,445 acres of wetlands held in conservation easements. With this proposed change, the MDEQ may not be able to ensure permanent preservation of these wetlands, or wetlands in pending mitigation and enforcement cases.

Our state permitting process is more efficient because of streamlining and reducing duplicative state and federal permits. Our state permits are even timelier than federal permits. In Michigan, completed permit applications mandate state action within 90-



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days (or 150 days if there is a hearing involved). In fact, the turnaround time on most permits is closer to 60-days. On the other hand, the ACE is experiencing considerable time delays on permit reviews due to backlog and jurisdictional confusion, due to the Supreme Court's very split and controversial decisions in the Rapanos and Carabell cases. In fact, some federal permit applications are taking as long as 600-7000 days to review.

Under the Michigan program we also have improved resource management and better integration of all of our state water resource programs. The MDEQ employees are located in local offices and are more familiar with the local resources in that community as well as the community regulations. This provides for timelier and thorough on-site reviews for almost all permit applications and an opportunity for the community to work directly with the permit applicants to reduce any sort of adverse impact. Furthermore, our state wetland program encourages integration of related land and water management programs. Issues such as floodplain management, local or regional zoning, or land use plans are more likely to be integrated in our state permit review process.

In addition to the jobs lost at the MDEQ, our state must also consider the jobs lost from missed business development opportunities, because of the delays and lack of streamlining and integration in the federal permit process. This could also lead to an increased costs for homeowners in Michigan due to the increased risk of flooding, property damage and damage to our drinking water supply.- Resulting in higher insurance rates.

Lastly, SEIU believes that if the state does relinquish oversight and regulation of our wetlands to the federal government, it is unconstitutional under the Public Trust Section 52 of Michigan's Constitution, which states as follows.

"The conservation and development of the natural resources of the state are hereby declared to be of paramount of public concern in the interest of the health, safety, and general welfare of the people. The legislation shall provide for the protection of the air, water and other natural resources of the state from pollution, impairment and destruction."

Shifting our state's wetland protection to the federal government jeopardizes our entire water system, our streams, rivers, lakes, great lakes and even our water table and falls squarely within the intended protection of Section 52 of our state's constitution. Furthermore, in the case of Preserve Dunes, Inc. v. Michigan Department of Environmental Quality, 471 Mich 508, 684 NW 2nd 847 (2004), the court held that any resource that the state has decided to regulate by statute falls within the public trust realm.

Based upon the above, I urge to vote "no" on House Bill 4153 and explore ways to finance and keep Michigan's wetland and water protection under state control. Additionally, the state is receiving \$121-million in Clean Water Funds under the American Recovery and Reinvestment Act (ARRA) that can be used for this program. Our state cannot afford to jeopardize our state's most precious and abundant natural resource, water.

Respectfully Submitted,
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March 17, 2009

Preserve Michigan's wetlands leadership

As the governor and Michigan Legislature review the status and determine the future of Michigan's Wetland Protection Act, I would like to urge them to take the long view of what is best for the state and its natural resources.

I am proud to have signed the Wetland Protection Act into law in 1979. Enacted with bipartisan support, the law has protected large amounts of valuable wetland resources from alteration and destruction. Estimated annual losses of wetlands covered by the law have slowed from thousands of acres per year to a few hundred. Where alteration or destruction of wetlands has occurred, the law has required the creation of wetlands and the permanent protection of existing undeveloped wetlands.

These are important steps in correcting our historical mistreatment of wetlands. Thanks to modern science, we understand now how important wetlands are economically as well as environmentally. Wetlands provide water quality benefits and help reduce flood damage while also furnishing critical fish and wildlife habitat. Wetlands benefit the people and the economic health of our state.

Although I understand the need for increased efficiencies in state government, I do not believe the relatively small amount of public funding saved justifies the repeal of the Wetland Protection Act. This law, 30 years after its passage, remains a national model. Federal agencies simply do not have the authority or the funding to administer adequately the protection of Michigan wetlands. Repeal of the law would be a huge setback to this and future generations.

Abandonment of the commitment this law represents is not in the interests of Michigan. Our state cannot claim to be a thoughtful steward of the Great Lakes if it neglects the wetland resources that are critical to their health. I therefore urge the governor and Legislature to affirm the importance of wetlands conservation as a core Michigan value, maintain the Wetland Protection Act, and work together to seek adequate resources for its effective administration.

William G. Milliken

Former governor of the State

of Michigan (1969-1983)

Traverse City
