

clean water act news



U.S. Army Corps of Engineers Savannah District - Regulatory Division

Corps revises recreational dock permits

By Tracy Robillard
USACE Public Affairs Specialist

The U.S. Army Corps of Engineers (USACE), Savannah District has revised and re-issued a permit that will reduce environmental impacts and increase efficiencies for private, single-family recreational docks in coastal Georgia.

Administered by Savannah's Regulatory Division, the permit—specifically, Programmatic General Permit number 0083 (PGP83)—was re-issued on Aug. 13 and remains effective for the next five years.

"Every five years, we re-evaluate the PGP using the best science we have available at that time to examine cumulative impacts of single-family docks," said Mark Padgett, regulatory project manager. "Our goal is to minimize impacts to Georgia's marshlands while balancing the needs for human development."

The re-issued PGP reduces the overall maximum length of walkways from 2,000 feet

to 1,000 feet; and reduces shading under walkways from 50 percent to 25 percent.

The permit also restricts monorail docks to 1,000 feet, which were previously unlimited in length; and it reduces fixed docks from 400 square feet to 300 square feet.

The changes were developed in coordination with the Georgia

Department of Natural Resources, Coastal Resources Division (CRD), which is responsible for issuing dock permits under its real estate revocable license program.

"CRD determined these restrictions were necessary to reduce impacts to marshlands," said Kelly Finch, acting chief of the Regulatory Division.

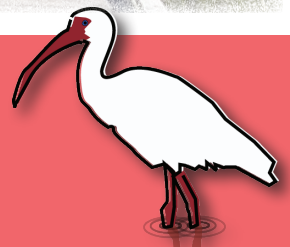
Continued on next page



In This Issue:

National Regulatory Conference.....2
Workshop teaches HGM Method.....3
National Historic Preservation Act.....4

Savannah Ocean Exchange.....6
CoastFest.....7
Georgia Environmental Conference.....7



Continued from Front Page

The PGP process allows an applicant to get a recreational dock permit through CRD while also satisfying requirements for a USACE permit under Section 10 of the Rivers and Harbors Act. Under this authority, USACE must ensure that recreational docks do not impair navigation through the nation's waters.

Applicants seeking a recreational dock permit that does not meet the specifications for PGP83 can always apply for an individual permit from USACE; however, they must also apply for a separate permit from CRD. This process generally takes more time.

"PGPs save time and money," Finch said. "It synchronizes efforts between the state and federal permitting levels, and it makes the process faster and easier for the applicant."

The Regulatory Division released the draft permit proposal on April 11 for a 30-day public comment period. Then, in accordance with the National Environmental Policy Act, it completed an Environmental Assessment (EA) to evaluate potential impacts to the environment.

The EA includes a cumulative impacts report by the National Oceanic and Atmospheric

Administration (NOAA) Hollings Marine Laboratory, located in Charleston, S.C.

The report addresses an array of factors: geography of the area; salt marsh and brackish marsh data; construction-related impacts; shading; marsh wrack; sediment re-suspension, erosion and accretion; water quality; dissolved oxygen; treated wood-constructed docks; placement of floating docks on mud flats; aquatic species; and more.

According to the report, recreational docks in Georgia's 11 coastal counties impact 0.02 percent of the state's coastal marshlands.

The permit authorizes minor repairs, routine maintenance, and upkeep of a recreational dock; however, major repair work, renovations, or additions to the existing structure should be reported to the Regulatory Division before starting construction. For more information, contact 1-800-448-2402.

For more information on the revised PGP83, view the Aug. 13 Joint Public Notice at:

<http://1.usa.gov/TZcmCM>

View the USACE Decision Document, which includes the NOAA cumulative impacts analysis, at: <http://bit.ly/RdNR97>



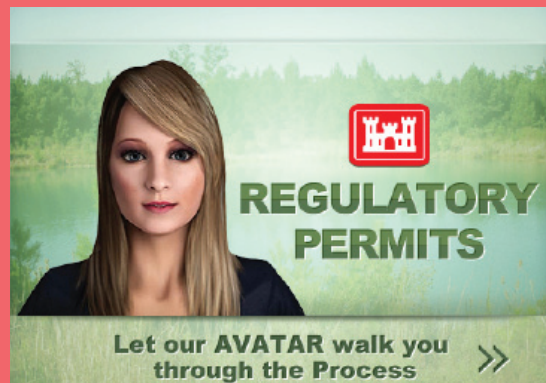
USACE National Regulatory Conference

Pictured left to right: Joseph Rivera, Katie Freas, Sherelle Reinhardt, and Brian Moore of the Regulatory Division attended the U.S. Army Corps of Engineers (USACE) National Regulatory Conference, Aug. 6 – 9 in Sacramento. The annual conference provides the USACE regulatory community an opportunity to share information and lessons learned, while addressing updates on policy changes and national priorities. Other topics included the Environmental Impact Statement process, the Endangered Species Act, and the National Historic Preservation Act. USACE photo.

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An HGM trainee takes measurements of a stream channel alteration. USACE photos.



HGM team members take measurements within a vegetation plot to determine plant community structure.

Workshop teaches HGM method to evaluate wetland ecological functions

*By Mark McIntosh
Biologist/Regulatory Specialist*

This September, the U.S. Army Corps of Engineers (USACE), Savannah District and the U.S. Army Engineers Research and Development Center (ERDC) co-sponsored a training seminar on how to assess wetland ecosystems using the hydrogeomorphic (HGM) method.

Essentially, the HGM method helps scientists assess a wetland's capacity to perform various functions.

ERDC instructors Tim Wilder and Bruce Pruitt taught the two-day course at the district headquarters in Savannah, Ga. Participants included members of the Regulatory Division, the Environmental Protection Agency, and the U.S. Fish and Wildlife Service.

To assess the functional capacity of wetlands, an assessment team visits wetland sites in a range of conditions (from relatively pristine to highly degraded sites) in the same geographic region and HGM sub-class. At each site, the team collects ecological data on the wetland's physical, chemical, and biological attributes. These data indicate the range of ecosystem conditions, functions, and responses to disturbances within the wetland sub-class.

Then, the wetland types exhibiting the highest function are used as a reference standard to gauge other wetlands in the same geographic area.

Since HGM's development in the late '90s, it has undergone many scientific validation studies to ensure its accuracy and repeatability. The method is widely used throughout the

professional environmental community to assess wetland ecosystems.

The Regulatory Division is exploring ways to use the HGM method as part of its review process for Section 404 Clean Water Act permits, which regulate the discharge of dredged or fill material into U.S. waters. The Regulatory Division is developing a new Mitigation Standard Operating Procedure (SOP) that would incorporate elements of the HGM method to assess wetlands.

The HGM method provides useful data that can be used when considering alternatives, minimizing impacts, assessing unavoidable project impacts, determining mitigation requirements, and monitoring the success of mitigation projects.



A team member assesses soil organic matter content during HGM training.

National Historic Preservation Act Section 106: Who participates in the process?

By David Crampton
USACE Regulatory Specialist

When the U.S. Army Corps of Engineers (USACE) evaluates a stream or wetland permit application, we must follow Section 106 of the National Historic Preservation Act (NHPA) to determine if there are any historic properties that might be affected by the proposed project. We take inventory and identification surveys to make those determinations. If there are historical resources on the site, the process requires coordination between many entities and stakeholders to ensure the appropriate protection or preservation of those resources. Here's a description of the involved parties and their roles.

The Federal Agency

All federal agencies are responsible for ensuring compliance with Section 106. When multiple federal agencies are involved in a project, one may become the lead federal agency for the Section 106 process and must notify the other involved agencies, the State Historic Preservation Officer (SHPO) and/or Tribal Historic Preservation Officer (THPO) that they will assume the lead role. The other agencies may use the lead's coordination and consultation processes and documents as a sufficient means for their own compliance.

For example, if a Federal Highway Administration (FHWA) project requires one or more Section 404 Clean Water Act permits (administered by USACE),

the Regulatory Division would normally assume FHWA to be the lead federal agency, because it has experience in dealing with Section 106 issues. We would then simply review their Section 106 documentation and if complete, use it during our Section 404 review process.

For Section 404 permits involving federal agencies less accustomed to Section 106 rules, USACE would likely assume the lead role.

The Permit Applicant

The applicant is the individual, public, or private entity proposing work that requires a USACE permit. The Savannah District Regulatory Division oversees permitting programs under Section 10 of the Rivers and Harbors Act, Section 404 of the Clean Water Act, and Section 103 of the Marine,

Protection, Research and Sanctuaries Act. If any of these permitting actions are on a historic property, the applicant is also included in any regulatory consultation or agreements as part of the Section 106 process.



Chad Braley, field director and principal investigator with Southeastern Archaeological Services, examines a piece of German-made pottery from the early 1700s at the historic Cowpens site in Chatham County, Ga. The Regulatory Division worked closely on the excavation as part of the process to permit construction of a container berth for the Georgia Ports Authority.

Pictured: Eight wine bottles from the early-to-mid-18th century, found during the 2004 excavation of a cellar believed to be that of the original John and Mary Musgrove house/trading post, known as the Cowpens. The Musgroves established the Cowpens in 1732, a year before the founding of the colony of Georgia. These items were excavated as part of the National Historic Preservation Act process to permit construction of Container Berth 8 at the Georgia Ports Authority in Chatham County, Ga.



The Regulatory Division was heavily involved in this archaeological data recovery excavation, from reviewing the original survey reports and testing reports, making determinations of eligibility and effect, coordinating and consulting with the Georgia State Historic Preservation Officer

(SHPO), drafting the Memorandum of Agreement for performing the work, and reviewing and approving the research design in consultation with the SHPO. The site produced a wealth of information, which will be presented in an upcoming draft and final data recovery mitigation report.

The State Historic Preservation Officer (SHPO)

Each state's governor appoints a SHPO to oversee the historic preservation program established under Section 101 of the NHPA within that state. As outlined in Section 101(b)(3) of the NHPA, the SHPO must be given an opportunity to comment on the federal agencies' determinations or recommendations on a Section 106 project.

Normally, the person appointed as SHPO is the head of the department or division in which the project is housed.

In Georgia, the SHPO is the commissioner of the Department of Natural Resources, which contains the state's Historic Preservation Division (HPD). The director of the Georgia HPD is the deputy SHPO.

In South Carolina, the SHPO is the chief executive of the Department of Archives and History, and the deputy SHPO is the head of the historic preservation division of that department.

The Tribal Historic Preservation Officer (THPO)

The THPO is the tribal equivalent of a SHPO for federally-recognized American Indian tribes. Not all federally-recognized tribes have official THPOs. Typically, only tribes with historic preservation programs certified by the U.S. Department of the Interior National Park Service have a designated THPO. However, all tribes may designate a representative as their tribe's historic preservation authority.

THPOs act in lieu of SHPOs on tribal property and may consult, at their discretion, on historic preservation issues that involve properties of cultural or religious significance to them, located on or off tribally-owned land.

For example, if the USACE is evaluating a permit on the Ocmulgee River that may affect the Ocmulgee National Monument property, we would need to ask the Creek Indian tribe for their participation because it may affect the surrounding Ocmulgee Old Fields Traditional Cultural Property.

The Keeper of the National Register

The National Register of Historic Places program is administered by the Secretary of the Interior through the National Park Service. The executive in charge of the National Register Program is the keeper of the registry. When an agency formally requests a determination of eligibility or ineligibility for a historic property, the keeper of the National Register makes that determination. In the case of disagreements between agencies, or between agencies and SHPOs, the keeper may be requested to make a formal determination, if the disagreeing parties cannot reach an agreement.

The Advisory Council on Historic Preservation

This is the independent federal agency that disseminates regulations for the protection of historic properties, sets historic preservation policy for all agencies, and oversees the implementation of the NHPA. The council is made up of high-

Continued on page 6

National Historic Preservation Act

Continued from Page 5

level government officials, including the Secretary of the Interior, the Secretary of Agriculture, one appointed state governor, one appointed mayor, and other officials. The composition of the council is spelled out in Section 201 of the NHPA (16 USC 470i). The daily activities of the council are handled by a full-time professional staff. The council reviews determinations of adverse effect (by statute) and may be signatory to any Memorandum of Agreement. Such agreements must be filed with the council once they are signed.

The Public

A key component of the Historic Preservation Act and Section 106 is public participation and input. In this instance, the public includes any individuals, American Indian tribes, culturally identifiable ethnic groups, and special interest corporate groups, such as local historical societies. As with all permitting decisions, the public can comment on projects that may affect historic properties by way of a USACE public notice. There's also the option to comment on the historic property itself

via the Section 106 consultation process. In either case, the Corps strives to be transparent in our processes. Gathering information from the public helps us make the most informed and well-balanced permitting decisions.



Read more on
Section 106 in the
next edition

American Idol star Ruben Studdard visits Ocean Exchange

The Regulatory Division staffed an exhibit for "Festival de Ocean"—part of the annual four-day Savannah Ocean Exchange held on Tybee Island, Sept. 15, 2012. The exhibit featured an interactive wetland model and handouts about the regulatory permitting program. This year's event featured a free concert by American Idol star Ruben Studdard, who also stopped by to see the Corps' exhibit. Each year, the Ocean Exchange brings together representatives from industry, academia, and government to address ocean issues. Pictured right: Regulatory team members Mark Padgett and Lisa Lovvorn meet Ruben Studdard. Pictured bottom left: Children play with the Corps' wetland model. Pictured bottom right: Lisa Lovvorn demonstrates the wetland model to a group of Chatham County high school students. USACE photos by Tracy Robillard.



CoastFest 2012

The U.S. Army Corps of Engineers Savannah District joined more than 70 environmental agencies from the southeast region for the 18th annual CoastFest, Oct. 6, 2012. With an estimated 8,000 people in attendance this year, the festival highlights Georgia's unique coastal environment in a family-friendly day of fun and education. Members of the Corps' Regulatory Division presented an interactive wetlands model and handed out information about USACE permitting programs. CoastFest is hosted by and located at the Georgia Department of Natural Resources Coastal Regional Headquarters in Brunswick, Ga. USACE photo.

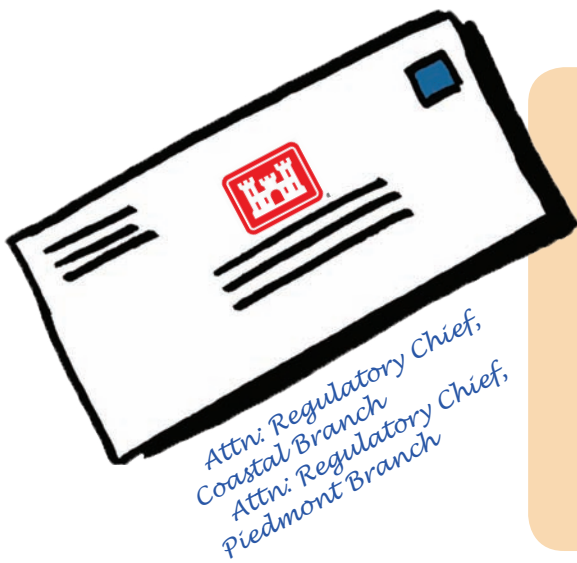


7th Annual Georgia Environmental Conference

The U.S. Army Corps of Engineers, Savannah District participated in the 7th Annual Georgia Environmental Conference in downtown Savannah, Aug. 22-24. The more than 500 attendees this year included members of federal, state and local governments, as well as business and industry leaders, attorneys, consultants, engineers, developers, and others who have a strong interest in Georgia's environmental

programs. Savannah District Commander Col. Jeff Hall (pictured above left) served as the keynote speaker for the event along with Gwen Keyes Fleming, Region 4 Environmental Protection Agency Administrator. Additionally, representatives from the district moderated two sessions on the Savannah Harbor Expansion Project and an update on Georgia regulatory issues. The Regulatory Division also staffed an exhibitor's booth (pictured left) throughout the conference with handouts, displays and other promotional items about the regulatory program. USACE photos by George Jumara.









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To ensure we receive and respond to mail in a timely manner, please do not address mail to a specific person's name, as some employees may have transferred offices or may no longer work at the Corps of Engineers. Please address mail to the attention of "Regulatory Chief, Coastal Branch" or "Regulatory Chief, Piedmont Branch" to ensure mail reaches the appropriate regulatory professional. See complete mailing addresses on the map below for the Coastal Branch (shown in green) and Piedmont Branch (shown in blue). The Albany Field Office is part of the Coastal Branch.

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