

USACE releases National Wetland Plant List

By Tracy Robillard USACE Public Affairs Specialist

In May, the U.S. Army Corps of Engineers (USACE), in partnership with other federal agencies, released an updated National Wetland Plant List (NWPL).

This is an extensive compilation of wetland plant species, sorted by regions and states, that includes general botanical information and an indicator status for each plant. The indicator status tells the likelihood that a particular plant lives in a wetland or upland.



Pictured: Round Leaf Sundew. Source: NWPL website.

Federal and state agencies, the scientific and academic communities, and the private sector use the list extensively to make wetland delineations and to plan and monitor wetland mitigation and restoration sites.

The NWPL plays a critical role in wetland determinations under the Clean Water Act and the Wetland Conservation Provisions of the Food Security Act. Wetlands are evaluated using three factors—soils, hydrology, and vegetation—in accordance with the 1987 Wetland Delineation Manual and Regional Supplements. The NWPL is used to evaluate the vegetation factor.

The updated list is available online at http://wetland plants.usace.army.mil

In the early 1980s, the four primary federal agencies with responsibilities for wetlands-the USACE, U.S. Fish and Wildlife Service (FWS), U.S. Environmental Protection Agency and Natural Resources Conservation Service—realized the importance of using plants and soils as indicators for wetland delineation purposes. The agencies assembled panels of wetland ecologists and botanists to review and revise a national wetland plant list for the U.S. and its territories. The updated 2012 list replaces the former FWS 1988 National List of Plant Species that Occur in Wetlands.

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Community Outreach

The U.S. Army Corps of Engineers, Savannah District is dedicated to educating and informing the public about regulatory activities that take place in the nation's waters. As part of our duties as federal regulators, our team members are required to participate in public outreach events every year. We recognize that communication with other federal, state, and local agencies, as well as interest groups and the general public, is important to the success of the permitting process and the entire Regulatory Program. Below are a few snapshots of recent public outreach events the Savannah District has participated in. If your school, civic group, or agency is interested in having a speaker from our team present to your group, please contact our Outreach Coordinator Stan Knight at 912-652-5348.

St. Andrews

Regulatory Specialist Sarah Wise visits a class of first graders at St. Andrews School in Savannah, Ga., to demonstrate the importance of wetlands, April 13. The visit was part of the school's unit of study called "Savannah: It's All Geography, Living in a Port City." As part of this unit, the children learned about wetland protection in watersheds and estuaries specific to coastal Georgia. The Corps' wetland model showed children how wetlands can prevent flooding of homes, filter drinking water, and support a diverse range of wildlife. USACE photo by Tracy Robillard.



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Online at <u>www.sas.usace.army.mil/regulatory</u>

& Wetlands Education



Earth Day Festival

The City of Savannah held its annual Earth Day festival in Forsyth Park, April 21 in downtown Savannah, Ga. The Regulatory Division staffed an exhibitor's booth with an interactive flood plain model, handouts on permitting, and free reusable shopping tote bags for the public. The event served as a way for the Corps to communicate its environmental sustainability missions to the community. Pictured front right: Regulatory Specialist Lisa Lovvorn. USACE photo by George Jumara.



Tall Ships Challenge

Members of the Regulatory Division staffed an exhibitor's booth at the international Tall Ships Challenge on River Street in Downtown Savannah, May 4 – 6. The exhibit area was sponsored by the National Oceanic and Atmospheric Administration Gray's Reef National Marine Sanctuary and included booths from various environment-related organizations. The Regulatory Division's booth had an interactive floodplain model, information on permitting, and giveaways for kids. Pictured left: Regulatory Specialist Donald Hendrix. USACE photo by George Jumara.



UGA Marine Extension Service

Regulatory Specialist Brian Moore presents a floodplain model as part of the University of Georgia Marine Extension Service's three-part educational series called "Freshwater We Use and Discard," April 14 at the Skidaway Island Institute of Technology. Moore used the model to show how storm water runoff affects the downstream natural environment following periods of rain. Discussions included transport of sediment, nutrients and refuse. Courtesy photo.

Permitting Georgia Reservoirs

By Natalie Edwards Regulatory Project Manager

The Regulatory Division is responsible for issuing several types of permits—such as Nationwide and Regional permits —but among the most complex and controversial permits we issue are individual permits for water supply reservoirs.

Permit applications for water supply reservoirs can take several years to process, as the U.S. Army Corps of Engineers (USACE) is not the only federal agency to review these applications. The U.S. Environmental Protection Agency, U.S. Fish and Wildlife Service, and the Georgia Department of Natural Resources all play an active role in permitting reservoirs. These agencies make up the Interagency Review Team (IRT). On occasions, a federally-recognized Native American tribe also may become part of the IRT.

Water supply projects also tend to generate significant interest at all political levels, due to their potential to affect future economic growth in surrounding communities.

Presently, the Piedmont Branch of the Regulatory Division is processing seven active reservoir applications in Georgia: Glades Farm; Indian Creek; Newton County Bear Creek; Parks Creek; Richland Creek; Russell Creek; and South Fulton County Bear Creek. All of these permit applications have been released to the public via a public notice to solicit comments. On average, most of these applications have been in our office for five years or more. USACE is currently preparing an Environmental Impact Statement (EIS), the highest level of project analysis used by USACE, to evaluate the proposed Glades Farm reservoir.

Regulatory project managers are responsible for reviewing applications for completeness, which can require us to request additional information from the applicant. We must seek the least environmentally-damaging practicable alternative. We also assess potential impacts to threatened and endangered species and historic or cultural resources with our in-house Archeologist Dave Crampton (under Section 106 of the National Historic Preservation Act). Other major components of a reservoir permit application include safe yield analysis reports, alternatives, and compensation/mitigation plans for stream and wetland impacts.

During the review process, we conduct site visits with IRT members and environmental consultants, public meetings, and quarterly IRT meetings to keep all stakeholders informed. At the IRT meetings, the team and the applicant's agents meet to discuss any outstanding issues concerning the water supply reservoir application.

It's important to note that the USACE role in permitting reservoirs is to ensure compliance with Section 404 of the Clean Water Act—essentially regulating the discharge of dredged and fill material into U.S. waters. Therefore, USACE permits only extend to the construction of the reservoir and do (Continued on next page)



National Wetland Plant List (Continued from front page)

Administration of the list was transferred from FWS to USACE in 2006. USACE launched a web-based interagency scientific process and created a website to update the 1988 plant list. Scientific names and ratings for 8,200 wetland plants were updated through the website, which also provided for academic and independent peer reviews of the process. This effort represents the most complex and thorough evaluation of wetland plant species ratings since inception of the 1988 list.

"This is an example of how this Administration is using new science and a transparent process for regulatory activities," said the Honorable Jo-Ellen Darcy, Assistant Secretary of the Army for Civil Works, in a USACE headquarters press release. "I am pleased that the agencies were able to work closely together to get this new, more accurate plant list completed."

The updated NWPL resulted in changes to the indicator status for 12 percent of the species on the 1988 list and added an additional 1,472 species. For those species that changed, there was nearly an equal split between species that received wetter ratings and those that received drier ratings.

The four federal agencies will use the updated NWPL on all new Jurisdictional Determinations performed after June 1, 2012. The four agencies signed an Interagency Agreement requiring use of the list by agency staff for wetland delineation purposes as required by Section 404 of the Clean Water Act and the Wetland Conservation Provisions of the Food Security Act. *Pictured: Dark Fren Bulrush. Source: NWPL website.*

Pictured right: A waterfall on Bear Creek in south Fulton County, Ga. The U.S. Army Corps of Engineers, Savannah District is currently preparing an Environmental Assessment to evaluate a permit application for a proposed 440-acre water supply reservoir.

(Continued from previous page) not dictate the private operational use of the reservoir.

The seven active reservoir applications we are evaluating are proposed to be constructed within the following river basins: Apalachicola-Coosa-Tallapoosa; Apalachicola-Chattahoochee-Flint (ACF); and Ocmulgee-Oconnee-Altamaha.

The two most high-profile reservoir projects we are evaluating occur in the ACF basin—the Glades Farm reservoir and the South Fulton County reservoir. Both of these projects require close coordination with the USACE Mobile District, which operates and manages water allocations in Lake Lanier, part of the ACF basin and a primary source of drinking water for metro-Atlanta. The requirements of the Mobile District's water operations manual update, when available, will be incorporated into our evaluation of these proposed reservoirs.

The Glades Farm EIS process began this February. The team is currently assessing comments from the scoping period and putting together a draft EIS document. The Glades Farm project has its own website (www.gladesreservoir.com) to inform the public and agencies of any changes and updates.

Aside from Glades Farm, the other pending reservoirs are being processed with an Environmental Assessment (EA). Once we complete the EA, the project would either be permitted or, if further analysis is necessary, we would move into the EIS phase.

With all our permit decisions, we strive to maintain a balance between human needs and the environment, while working with many agencies and stakeholders to gain valuable input along the way. Needless to say, these active water supply reservoir projects keep the Regulatory Division team members challenged and very busy.



USACE photo by Gary Craig.

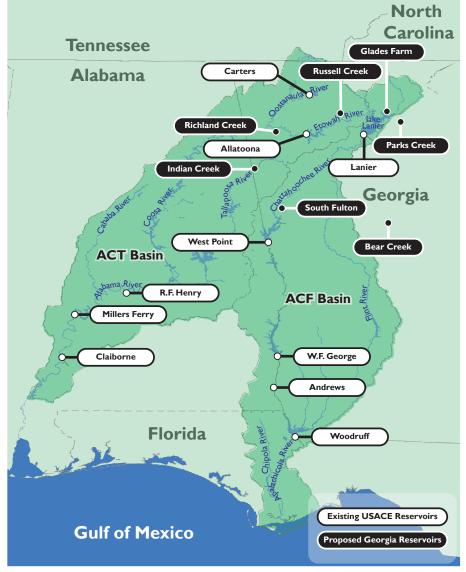


Illustration by George Jumara.



David Crampton of the Regulatory Division (left) and Chad Braley of Southeastern Archaeological Services discuss an excavation strategy at the site of a Pre-Civil War house foundation in 2004. The house was part of the Cowpens/Grange Plantation, which produced cotton, corn, rice and other agricultural produce in the mid 1800's. The site is currently located under the Georgia Ports Authority Container Berth 8 in Garden City in Chatham County, Ga. As part of the permitting process for the berth, the U.S. Army Corps of Engineers ensured that archaeological resources on the site were studied, excavated, and preserved in accordance with the National Historic Preservation Act.

Story Series: Part 1 of 3 (To be continued in following issues of Clean Water Act News)

Understanding Section 106 of the National Historic Preservation Act

By David Crampton USACE Regulatory Specialist

The National Historic Preservation Act (NHPA) (16 U.S.C. 470) was passed by Congress in October 1966 and signed into law by President Lyndon B. Johnson in 1966 as an act to establish a program for the preservation of additional historic properties throughout the nation, and for other purposes.

Section 1 of the NHPA states the purpose of the NHPA, which is in part, to accelerate the federal government's historic preservation programs and activities; to give maximum encouragement to agencies and individuals undertaking preservation by private means; and assist state and local governments and the National Trust for Historic Preservation to expand and accelerate their historic preservation programs and activities.

What is "Section 106" of NHPA?

Section 106 is a simple one-paragraph section of the NHPA. It requires only two things of the federal agency official having jurisdiction over a proposed undertaking in any state and the head of any federal department or independent agency having authority to license any undertaking, prior to the approval of any federal funds or the issuance of any license:

1) to take into account the effect of the undertaking on any district, site, building, structure, or object that is included in, or eligible for inclusion in, the National Register of Historic Places; and

2) to afford the Advisory Council on Historic Preservation a reasonable opportunity to comment with regard to such an undertaking.

The important thing to remember is that compliance with Section 106 is the responsibility of the Federal agency, not the State Historic Preservation Office, the Advisory Council, or the permit applicant.

What is an Historic Property?

36 CFR 800.16(I) defines a historic property, for purposes of compliance with Section 106 of NHPA, as any property listed on or eligible for listing in the National Register of Historic Places. The criteria of eligibility for inclusion in the National Register may be found at 36 CFR60.4. These criteria are supplemented by periodic additional guidance published by the National Park Service. The criteria published in the Federal Register are necessarily broad and are intended to provide for a wide diversity of resources, in American history, architecture, archaeology, engineering and culture, and may be districts, sites, buildings, structures (e.g., bridges), and objects:

a) that are associated with events that have made a significant contribution to the broad patterns of our history; or

b) that are associated with the lives of persons significant in our past; or

c) that embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or

d) that have yielded or may be likely to yield information important in prehistory or history.

There are three levels of significance: national, regional (or statewide), and local.

Section 106 Requirement #1, "Taking into Account":

In order to take into account the effects of its actions on historic properties, the federal agency must first determine if there are any historic properties within the area affected by the action, or undertaking. There are three steps in this process:

1) Identification and inventory: This is the initial step, or phase, of Section 106 compliance efforts, or "Phase I." It is accomplished by conducting a background review of known historic properties and properties either listed on the National Register, or eligible for the National Register, and, normally, by conducting field surveys of the affected area.

2) Evaluation (assessment) in terms of the National Register criteria (36 CFR 60.4): The criteria of eligibility are found at 36 CFR 60.4. There is an abundance of additional published guidance, in the form of National Register bulletins, as well as other published discussions. A consultant working for a permit applicant may make an evaluation of an historic property, but it remains the agency's responsibility to make a determination of eligibility. The federal agency may make a determination of eligibility in one of two ways, by consensus with the respective State Historic Preservation Officer or Tribal Historic Preservation Officer, or both, when appropriate, or by requesting a formal determination of eligibility or ineligibility from the Keeper of the National Register, National Park Service.

3) Application of the criteria of effect to those identified sites that are determined eligible: The criteria of effect may be found at 36 CFR 800.5: An adverse effect is found "when an undertaking may alter, directly or indirectly, any of the characteristics of a historic property that qualify the property for inclusion in the National Register in a manner that would diminish the integrity of the property's location, design, setting, materials, workmanship, feeling or association." Under Section 106, there are three possible effect determinations: 1) No historic properties affected; 2) No adverse effect, or 3) Adverse effect.



Read more in the next edition of Clean Water Act News

New Employees and Departures



Devin Wallace joined the Savannah District Regulatory Division in May 2012 as an office automation clerk. Before coming to the Regulatory Division, he was an office clerk for other offices within the Savannah District—the

Installation Support Team of Project Management and the Small Business Office. He first joined the Savannah District in 2010. Wallace also attends Armstrong Atlantic State University, where he is studying Information Technology. He plans to graduate and receive his bachelor's degree

in December of 2013. As he makes his way through school, he is grateful for the opportunity to share his skills with the Regulatory Division.

Wallace grew up in Savannah, Ga. A musician at heart, he played the trombone in his school band and plays multiple instruments, including the drums and the guitar, at his church and in local groups. He also enjoys playing and watching sports.

Russ Kaiser departed the Savannah District in June to serve with the U.S. Environmental Protection Agency (EPA) Headquarters in Washington, D.C. Kaiser's new role at EPA is the chief of the Office of Wetlands and Aquatic Resources Regulatory Branch, in the Office of Wetlands, Oceans, and Watersheds.

Kaiser served as chief of the Regulatory Division at the U.S. Army Corps of Engineers (USACE) Savannah District since August of 2008. During his time in Savannah, he was recognized for his outstanding leadership in 2011 by receiving the District's Supervisor of the Year Award. He was also an instrumental coordinator and instructor in the District's Leadership Development Program, which aims to grow resilient leaders among the workforce.

Before joining the Savannah District, Kaiser served at the USACE Headquarters in Washington, D.C. There, he had the opportunity to act as the chief of the National Regulatory Program. He also helped to develop national policy for determining jurisdictional waters under the Clean Water Act in accordance with the Supreme Court decisions in the Rapanos-Carabell and Solid Waste Agency of Northern Cook County cases.



Before coming to USACE headquarters, Kaiser worked for 10 years with the Los Angeles District. He also worked for the state of Wisconsin; Indian River County in Florida; the South Carolina Coastal Commission; and several environmental consulting groups.

Kaiser holds a Bachelor of Science in zoology with an emphasis in freshwater ecology from the University of Wisconsin-Madison and a Master of Science in oceanology and coastal zone management from the Florida Institute of Technology.

The Regulatory Division wishes Russ the best of luck in his new position at EPA. With more than 20 years of experience in the environmental sector, he is sure to be an asset in any position he serves.

Kelly Finch, Coastal Branch Chief of the Regulatory Division, is serving as the acting chief of the Regulatory Division until a new chief is named.



While on a one-year deployment to Afghanistan, Patricia Beamon of the Regulatory Division (right) was part of a group called "Afghans for Afghans," which made blankets for people to use at refugee camps and hospitals. While in the group, she helped create many afghans, such as this twin bedsized American flag blanket (pictured).

Regulatory Team Member Volunteers for Deployment to Afghanistan

By Patricia Beamon Regulatory Administrative Assistant

I deployed to Kabul, Afghanistan from February 2011 to March 2012 and served as an administrative assistant for 125 employees in my arena. This was my first time deploying to a war zone.

I worked at the Qaala House compound, which is about a 12 to 15-minute walk from the Kabul Embassy. The majority of the personnel were civilians, but security was shared jointly by different branches of the Armed Services, the Afghanistan Army, and a contracted security service team.

People often ask me why I volunteered to deploy. I felt that this was one of those things on my "bucket list" that I wanted to do before I retired from Civil Service. My husband is a former veteran of the Gulf War and a retiree. My son is a veteran of the War in Iraq and is currently an Army Reservist. With such fine role models in my family, I wanted to do my part as well.

My duties included timekeeping and processing travel information and other personnel actions. This included using a data base for incoming and out-processing personnel being assigned to or leaving our arena. I worked closely with U.S. Army Corps of Engineers personnel at the Transatlantic Afghanistan North (TAN) headquarters in Winchester, Va., to monitor upcoming vacancies. I purchased and gave out phone cards, ordered supplies, and scheduled conference call meetings. You would think the equipment we used was antique, but actually, we had the latest technology. We had phones that were directly routed and connected to Virginia. There was 24/7 access to our phones without being worried about long distance bills. My family had direct access to me, as I to them.

Most work days were an average of 12 to 14 hours. It may seem like all I did was work, but I did find time to attend worship services and yoga and zumba classes.

Also, I was a member of a crochet group called "Afghans for Afghans". The group created projects for the refugee camps, hospitals and prisons. We received donated yarn from different individuals stateside. I jointly created a twin bed-sized U.S. flag, which I am very proud of.

Another accomplishment for me was attending a sixweek foreign language course, "Introductory to Dari," the language of the locals in Afghanistan. I wanted to learn a little, if just to say hello. I feel that if you learn a little of a language in whatever country or location you are in, the people of that area would be more appreciative of you.

I am blessed to have had the opportunity to work for and with the military. I am a patriot at heart.

2012 marks Clean Water Act 40th Anniversary

Forty years ago, in the midst of a national concern about untreated sewage, industrial and toxic discharges, destruction of wetlands, and contaminated runoff, Congress passed the principal law to protect the nation's waters. Originally enacted in 1948 to control water pollution primarily based on state and local efforts, the Federal Water Pollution Control Act, or Clean Water Act (CWA), was totally revised in 1972 to give the act its current shape. The CWA set a new national goal "to restore and maintain the chemical, physical, and biological integrity of the Nation's waters," with interim goals that all waters be fishable and swimmable where possible. The act



embodied a new federal-state partnership, where federal guidelines, objectives and limits were to be set under the authority of the U.S. Environmental Protection Agency, while states, territories and authorized tribes would largely administer and enforce the CWA programs, with significant federal technical and financial assistance. The act also gave citizens a strong role to play in protecting and restoring waters.

The CWA specifies that all discharges into the nation's waters are unlawful unless authorized by a permit and sets baseline, across-the-board technology-based controls for municipalities and industry. It requires all dischargers to meet additional, stricter pollutant controls where needed to meet water quality targets and requires federal approval of these standards. It also protects wetlands by requiring

"dredge and fill" permits. The CWA authorizes federal financial assistance to states and municipalities to help achieve these national water goals. The act has robust enforcement provisions and gives citizens a strong role to play in watershed protection. Congress has revised the act, most notably in 1987, when it established a comprehensive program for controlling toxic pollutants and stormwater discharges, directed states to develop and implement voluntary nonpoint pollution management programs, and encouraged states to pursue groundwater protection. Notwithstanding these improvements, the 1972 statute, its regulatory provisions and the institutions that were created 40 years ago, still make up the bulk of the framework for protecting and restoring the nation's rivers, streams, lakes, wetlands and coastal waters.

Source: Environmental Protection Agency

USACE administers Section 404 of the Clean Water Act, involving any activities that place dredged or fill material in to U.S. waters. The USACE Savannah District regulates Section 404 permits within the State of Georgia. Learn more about the 40th Anniversary of the Clean Water Act at http://water.epa.gov/action/cleanwater40c/

Outgoing USACE South Atlantic Division Commander Recognizes Regulatory Employees

Maj. Gen. Todd T. Semonite, outgoing commanding general of the U.S. Army Corps of Engineers South Atlantic Division, visited Savannah April 26 to say farewell and recognize employees for their accomplishments. Semonite presented Commander's Coins to (from left) Richard Morgan, Sarah Wise, and Brian Moore of the Regulatory Division for their work on reissuing the District's Nationwide Permits and developing and coordinating the District's Nationwide Permit Regional Conditions. Regional Conditions ensure that activities authorized by Nationwide Permits result in minimal individual and cumulative adverse effects on



the aquatic environment. The process involved multiple meetings and coordination with federal and state agencies. Semonite departed from the South Atlantic Division on May 4 to become the Deputy Chief of Engineers at the USACE Headquarters in Washington, D.C. The South Atlantic Division oversees five USACE Districts, including Savannah, Ga., Charleston, S.C., Jacksonville, Fla., Mobile, Ala., and Wilmington, N.C. USACE photo by George Jumara.

Nationwide Permits and Regional Condition "A" Where should I submit my forms?

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We've received some questions about 2012 Nationwide Permits as they relate to Regional Condition "A". This condition requires that the Georgia Department of Natural Resources (DNR) be notified before beginning work on any project that was authorized by a nationwide permit.

If your nationwide permit requires you to submit a Pre-Construction Notification (PCN) form to the U.S. Army Corps of Engineers (USACE) before starting work on your project, you must also submit a copy of the PCN form (with project plans) to Georgia DNR's Environmental Protection Division (EPD). Please note that if your project is in one of

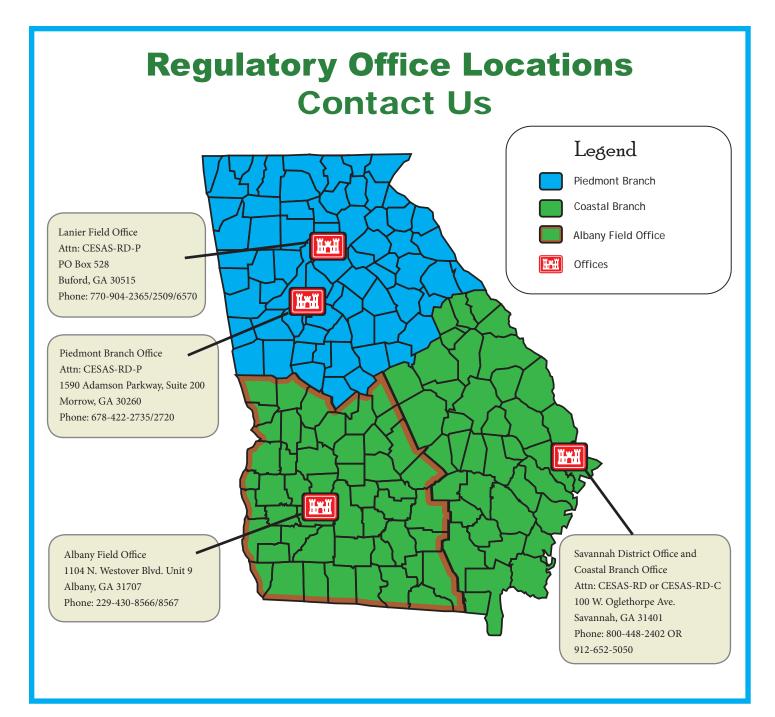
the 11 counties in Coastal Georgia, you'll also need to submit the PCN form to Georgia DNR's Coastal Resources Division (CRD), in addition to

EPD.

There are some nationwide permits that don't require you to submit a PCN to the USACE. In those cases, you need to fill out a Georgia DNR Notification Form and submit it to EPD and, if applicable, CRD, before starting work on your project.

Please refer to Appendix A, "State of Georgia DNR Procedures and Notification Form" for detailed instructions on when and where to submit a PCN or Georgia DNR notification form. This appendix, along with all other regional condition documents and forms, is available on our website at:

www.sas.usace.army.mil/regulatory/Nationwide Permits.html



Georgia Environmental Conference is August 22 - 24

The 7th Annual Georgia Environmental Conference will take place in downtown Savannah, Ga., at the Hyatt Regency Hotel Aug. 22 through 24.

Col. Jeffery M. Hall, commander of the U.S. Army Corps of Engineers, Savannah District, and Gwendolyn Keyes Fleming, regional administrator for the U.S. Environmental Protection Agency Region IV, will provide keynote remarks during the opening general session.

The Regulatory Division will host a break-out session about recent changes in the regulatory program, including changes in jurisdiction, the new nationwide permits, the revised compensatory mitigation procedures and the in-lieu-fee program changes. The team will present a case study about the Elba Island dike expansion and how they developed a way to caluculate and create an onsite mitigation area for tidal saltmarsh.

The Regulatory Division will also staff a booth in the exhibitor's space throughout the conference. Stop by and see us at booth 16 for more information about our permitting programs.

Learn more about the conference and how to register at: <u>http://georgiaenet.com</u>