USACE, Savannah District, Regulatory Division

Clean Water Act News

October-December 2008 Volume 1, Issue 1

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Pre-Application Meetings:

9 a.m. - 4 p.m. Dec 9, District Office in Savannah. For more information, see page 3.

8 a.m. - 4 p.m. Jan 13, Piedmont Office in Morrow. For more information, see page 3.

By Invitation Only

IRT Meetings:

9 a.m. - 4 p.m. Dec 10, District Office in Savannah. For more information, see page 3.

8 a.m. - 4 p.m. Jan 14, Piedmont Office in Morrow. For more information, see page 3.

By Invitation Only

Process Tips:

- Coordinate early.
- Communicate often.

Savannah District Approves First GA Salt Marsh Bank

The Corps approved their first saltmarsh mitigation bank in the State of Georgia on Aug 15. A mitigation bank is a Corps-approved site that may be used to offset project-related aquatic resource functional losses. Generally, these functional credits, which are purchased prior to initiating activities impacting an aquatic resource, are one way of satisfying permit requirements.

The 90-acre bank lies adjacent to the Savannah River, near the Islands Expressway, in Savannah.

"It is banks like this one that will provide valuable habitat for many different species of salt water fishes and crustaceans while supporting many birds such as the Belted Kingfisher and Blue Heron," said Col Ed Kertis, Commander of the Corps' Savannah District.

Currently, the cattail-dominated marsh receives predominantly freshwater flows from nearby developments. Historically, the marsh received predominately saltwater inputs from the ocean. Restoration efforts to increase saltwater inputs into the marsh will occur by constructing a feeder creek system and replacing several impaired culverts.

Construction is planned to occur during spring of 2009, and it is expected to be fully functional by 2012.

Greenfest 08 Savannah GA

Corps' own Sarah Von Waldner demonstrated how development pressure can affect different natural resources within a watershed at the Greenfest Festival.

DO YOU KNOW THE HEALTH OF YOUR WATERSHED?

The cumulative impacts of development in a watershed can result in substantial land use conversions that also increase impervious surface coverage.

"These changes can ultimately generate unhealthy levels of stress on the aquatic ecosystem," said Dr. Jeffrey King, Regulatory Section Chief and Adjunct Professor at Skidaway Institute and Savannah State University.

The Savannah District developed a cumulative assessment model to identify environmental trends as well as predict the overall health of a watershed. The model utilizes historic population data and impervious surface coverage to provide a reasonable assessment of existing resources within a watershed and estimate future-anticipated conditions.

"Through the development and use of these types of tools, we are more capable of evaluating cumulative impacts on the aquatic ecosystem, which can lead to more defensible permit decisions," said Russell Kaiser, Chief, Regulatory Division.

King will present this model at the 2009 Georgia Water Resources Conference, in Athens, April 27-29. For more information, visit www.gwrc2009.com.

Project and Policy Updates

VOGTLE NUCLEAR PLANT: Southern Company proposes to expand their existing Vogtle Nuclear Plant, near Waynesboro, by constructing two additional nuclear reactors, powerlines, intake structures, discharge pipes, and a barge slip. Under the current plan, construction activities could impact about 14 acres of aquatic resources, including wetlands. The Nuclear Regulatory Commission concluded in their Final EIS that site preparation and preconstruction activities would not result in any significant adverse environmental impacts. For more information, visit www.nrc.gov/reading-rm/doc-collections/nuregs/staff/sr1872/index.html.

ATLANTA BELTLINE PROJECT: The Federal Transit Administration and the Federal Highway Administration propose to construct a new transit and trails system that would form a 22 mile loop encircling the City of Atlanta's Central Business District, specifically the downtown and Midtown areas. Aquatic resource impacts have not yet been determined. It is projected that the Draft EIS will be available for public comment in the year 2010. For more information, visit www.itsmarta.com/newroom/beltline.html.

FORT STEWART: Ft. Stewart plans to construct several new on-base firing ranges that could result in filling about 1,800 acres of wetlands. These impacts as well as others will be fully addressed in a Draft EIS, which could be released for public comment as early as the summer of 2010.

FORT BENNING: Corps and Ft. Benning are developing a new Regional Permit (RP) that could be used to authorize project discharges resulting in minimal impacts on the aquatic environment, where those impacts would be less than 4 acres for wetlands and/or 500 feet for other waters. Ft. Benning plans to construct 80 new projects requiring Corps permits during the next five years. Proposed projects are likely to include ranges and support facilities, training complexes, barracks, roads, utilities. Ft Benning expects that most projects could be authorized under the new RP.

HUNTER ARMY AIRFIELD: Corps is currently assisting Hunter in developing plans to restore 240 acres of tidal marsh. Hunter indicated that they would like to utilize the restored area as a Wetland Mitigation Bank for future base development projects.

FORT GORDON: Corps and Ft. Gordon are developing a new RP that could be used to authorize new projects or ongoing maintenance activities resulting in minimal aquatic resource impacts.

FUTURE ISSUES WILL PROVIDE DETAILED REPORTS FOR EACH OF THE DIFFERENT MILITARY BASE/INSTALLATION ACTIVITIES DESCRIBED ABOVE.

Foresters: Is your activity covered under the Silviculture Exemption?

In response to two recent court cases regarding whether certain activities qualify for the Section 404(f) CWA silviculture exemption, Corps, Savannah District and Environmental Protection Agency are developing a local Field Level Agreement (FLA) to clarify what qualifies as an "ongoing" activity and what documentation is needed for the public to request an exemption determination. The FLA will enable the Corps to more effectively utilize staff and resources in making exemption determinations while providing for greater protection of aquatic resources.

Normal silviculture activities may be exempt under CWA regulation, and forest roads may be exempt where the road is part of an ongoing silviculture operation that complies with best management practices and does not bring new areas into use.

Compensatory Mitigation: Local practices for determining what is an acceptable strategy.

To further clarify local mitigation requirements with respect to the recently published Mitigation Rule, the Savannah District is developing local guidelines to identify considerations for determining what type of mitigation strategies should be used to offset project impacts. In accordance with the rule, mitigation can include use of mitigation banks, in-lieu fee agreements, and/or on- or off-site creation, restoration, enhancement and/or preservation. Additional guidance will be provided also to determine siting criteria for mitigation sites and timing requirements.

Compensatory Mitigation includes different measures taken to offset unavoidable impacts created by a discharge of dredged and/or fill material in aquatic resources.

HQ REGULATORY UPDATES CAN BE FOUND AT: http://www.usace.army.mil/cw/cecwo/reg/

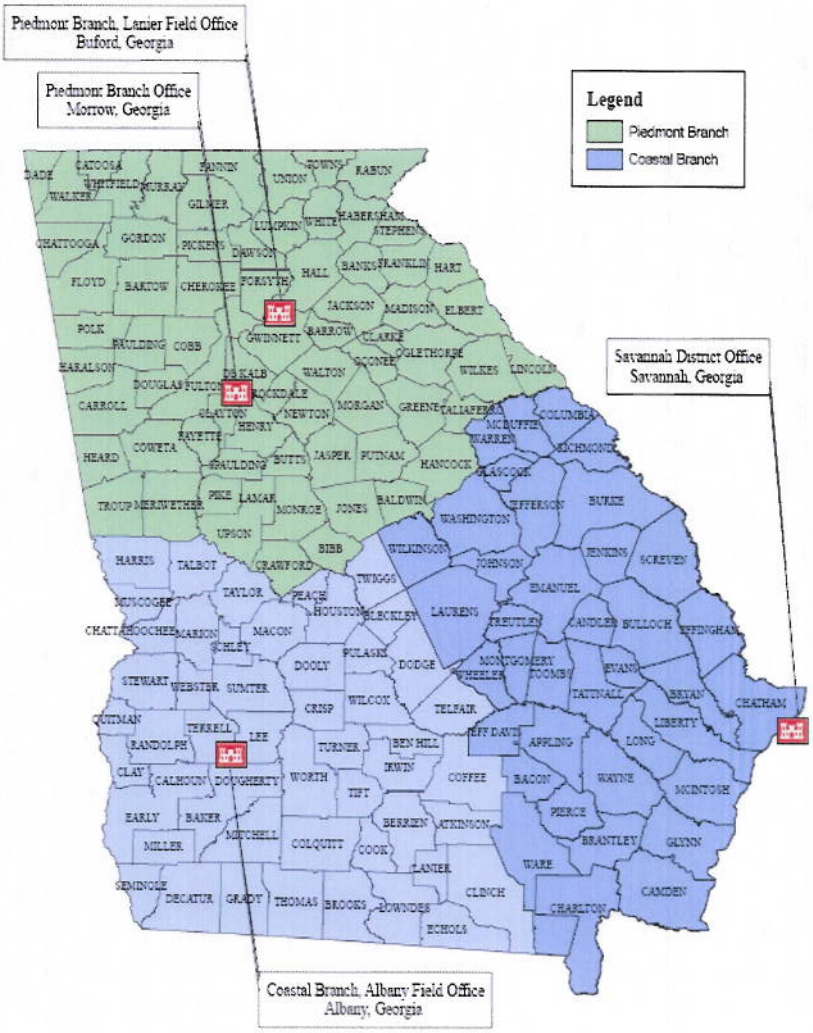
District Offices

ALBANY FIELD OFFICE
1104 N. WESTOVER BLVD UNIT 9
ALBANY , GA 31707
1-229-430-8566/67

DISTRICT OFFICE, COASTAL BRANCH
100 W. OGLETHORPE AVE
P.O. BOX 889
SAVANNAH, GA 31402
1-800-448-2402

LANIER FIELD OFFICE
ATTN: CESAS-RD-P
P.O. BOX 528
BUFORD , GA 30515
1-770-904-2365

PIEDMONT OFFICE
ATTN: CESAS-RD-P
1590 ADAMSON PARKWAY, SUITE 200
MORROW, GA 30260
1-678-422-2731



Do you know your Regulatory Staff?

Russell Kaiser recently joined the Savannah District, as Chief of the Regulatory Division, from our Headquarters Office in Washington, D.C. While at HQ, Kaiser 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 (SWANCC) cases. In addition, he was the senior planner for the Northwestern Division Regional Integration Team.

Prior to moving to D.C., Kaiser worked 10 years for the Los Angeles District. While there, he worked in both planning and regulatory. He also worked for the state and several local jurisdictions as well as the private sector.

Kaiser has a B.S. in Zoology, with an emphasis in freshwater ecology from the University of Wisconsin—Madison and a M.S. in Oceanography/Coastal Zone Management from the Florida Institute of Technology.

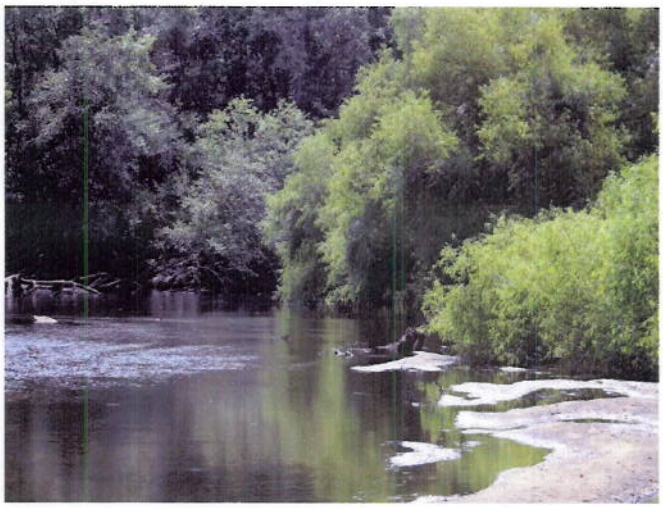
Kaiser has a very strong passion for the program and believes that "we can manage smart growth while protecting and sustaining the overall health and vitality of our aquatic environments, which requires program consistency and predictability as well as public education, outreach and transparency."

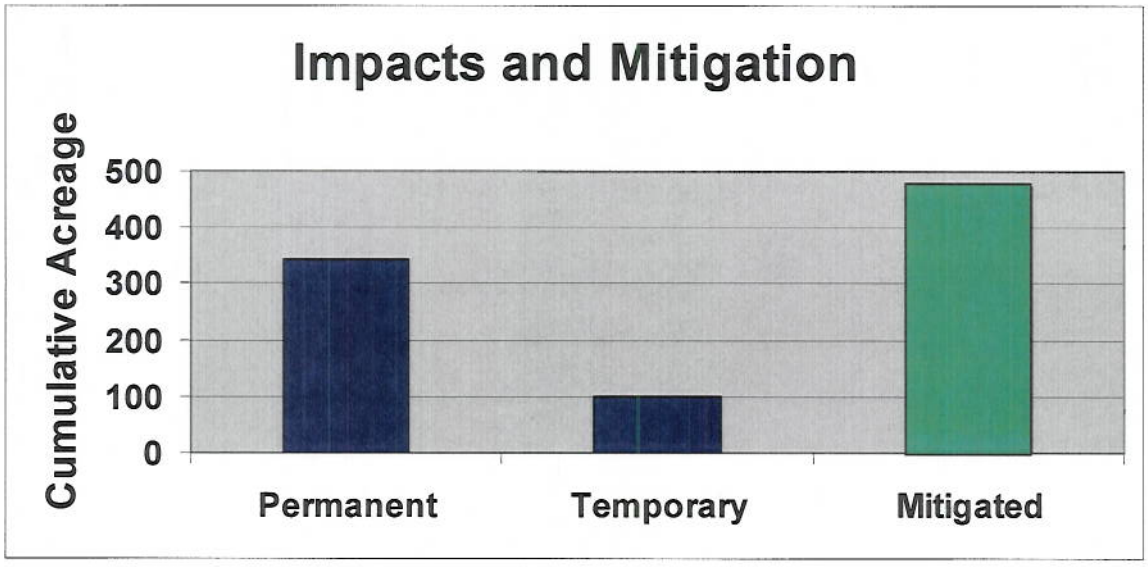
SAVANNAH DISTRICT CUSTOMER SURVEY CAN BE FOUND AT: http://regulatory.usacesurvey.com/

Local Aquatic Resource Habitats

Salt marsh, a common coastal habitat of Georgia, receives freshwater input driven primarily from precipitation as well as salt water from the ocean. Dominant vegetation includes chordgrass. Fish expected to frequent these areas include bass, trout, flounder and Atlantic croaker, while common shorebirds are likely to include herons and egrets.

The Ogeechee River, about 250 miles long with a 5,345 square mile basin, originates in the Georgia Piedmont and flows into the Atlantic Ocean. Water levels are determined predominantly by rainfall. The water retains a "tea" color due to a high load of dissolved organic carbon and is classified as a "black water" river. Common fish using this habitat include sunfish, bluegill, crappie, and channel catfish. In natural areas, the riparian vegetation includes a mix of gums, tupelos, cypress, and mixed hardwoods (e.g., oaks).





Last year (Sep 07-Oct 08), Savannah District, Regulatory Division permitted permanent impacts to 300+ acres of wetlands and required about 500 acres of compensatory mitigation to offset those impacts. Additional mitigation for the loss of aquatic resources was compensated at local mitigation banks, with more than 5,000 credits purchased to date.

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