

clean water act news



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

Consultant Field Workshops Highlight Regional Supplements to Wetland Delineations

By William Rutlin and Adam White
USACE Regulatory Specialists

The U.S. Army Corps of Engineers (USACE) recently hosted two consultant field practicals with members of Georgia's environmental consultant community.

The field practicals provided information to Georgia regulators in an effort to make the Clean Water Act permitting process flow more quickly and efficiently. They also served as a valuable platform for building and strengthening relationships between the federal, state, and private organizations.

The main focus was to review requirements for wetland delineations under the Regional Supplements to the 1987 Wetland Delineation Manual. The Regional Supplements have been developed and released incrementally over the last six years and provide updates to the 1987 manual.

The Regional Supplements are part of a nationwide effort to address regional wetland characteristics and improve the accuracy and efficiency of wetland-delineation procedures. The supplements are intended to bring the USACE manual up-to-date with current knowledge and practice in the region—not to change the way wetlands are defined or identified.

The methodology presented in the Regional Supplements supersedes the 1987 manual where differences occur. The



Consultants fill out Regional Supplement data forms during a field practical workshop Dec. 8, 2011 at the New Ebenezer Retreat Center in Effingham County, Ga. USACE photo.

Regional Supplements applicable to Georgia include the Atlantic and Gulf Coast Supplement and the Eastern Mountains and Piedmont Supplement.

The Corps of Engineers hosted two practicals in Georgia's Piedmont and Coastal regions to highlight the two Regional Supplements that apply to the state.

The first field practical was held on Nov. 3 at the Alcovy Nature

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Above: Consultants demonstrate a proper wetland delineation and identify soil indicators, such as the vegetation shown below. USACE photos.



Field Practicals (Continued)

Center in Newton County, Ga., with 26 consultants in attendance. The USACE regulators set up three wetland delineation plots along the Alcovy River for consultants to complete Regional Supplement data sheets based on the conditions they observed. Two representatives of the U.S. Department of Agriculture Natural Resources Conservation Service (NRCS) assisted regulators with answering questions on-site about soil conditions at the three plot locations.

The morning field exercise was followed by an afternoon classroom presentation that focused on proper application of the new hydrology and hydric soil indicators found on the Regional Supplement data forms. Regulators also discussed aspects of applying the hydrophytic vegetation indicators and stressed the importance of providing completed data sheets to the USACE with any permit applications or requests for Jurisdictional Determinations (JDs).

The second field practical was held Dec. 8 at the New Ebenezer Retreat Center in Effingham County, Ga., with 23 consultants in attendance. The USACE regulators demonstrated a proper delineation at one site on the

Retreat Center property, followed by a class session on wetland indicators.

Consultants completed Regional Supplement data forms at two wetland data points within the Ebenezer River floodplain, then engaged in an open discussion with regulators on findings at each data point.

The USACE received favorable feedback from consultants that attended the workshops. For example, Jesse Bearden of Carter and Sloope Consulting Engineers said of the Nov. 3 workshop, "Just wanted to express my thanks and to let you know how informative and professional this workshop was. The Corps project managers there displayed knowledge and professionalism in every aspect of the information presented."

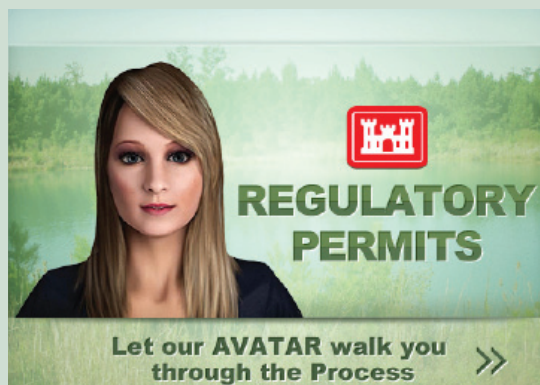
The USACE plans to host additional field practicals for consultants that were not able to attend the first two. The team also plans to offer workshops for non-government organizations and permittees that may complete their own wetland delineations or rely on the consultant community to perform delineations.

For more information and full downloadable versions of the Regional Supplements, visit: www.usace.army.mil/Missions/CivilWorks/RegulatoryProgramandPermits/reg_supp.aspx
For information on wetland delineations and USACE jurisdiction, visit www.sas.usace.army.mil/regulatory/JDs.html.

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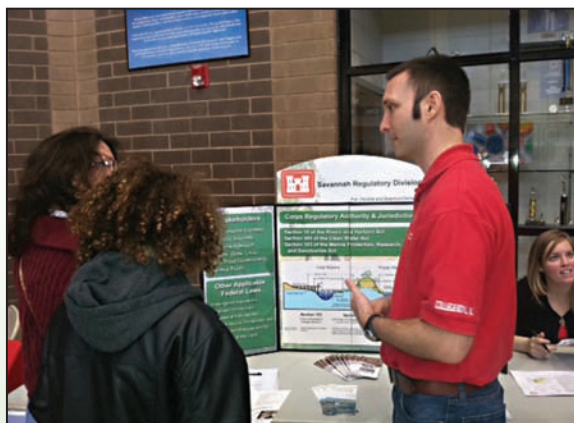


Online at www.sas.usace.army.mil/regulatory

MEGAGENESIS

Reaches out to Students

Regulatory team members Maya Odeh-Adimah, Sarah Wise and Forrest Vanderbilt staffed an exhibit at the 6th annual Megagenesis event at Sol C. Johnson High School in Savannah, Ga., Feb. 25. The event targets middle and high school students who are interested in attending college and furthering their careers. The team led a workshop on the various aspects of a Regulatory Specialist's job, to include a description of their professions, what led them to that particular field and what opportunities are available to those interested in science.



Sea Turtle Sprint and STEM Career Expo



Regulatory Specialist Sherelle Reinhardt demonstrates a wetlands model at the Sea Turtle Sprint ROV Competition and STEM Career Expo, Feb. 25 at the West Broad YMCA in Savannah, Ga. The event reached out to middle and high school students to encourage career paths in STEM—science, technology, engineering and mathematics. The event was hosted by the National Oceanic and Atmospheric Administration (NOAA) Gray's Reef national Marine Sanctuary. Participants got to build and fly their own remotely operated vehicle (ROV) and attend a career expo. The expo engaged teachers, students and parents with inspiration, information, and a plan of action toward STEM development and career opportunities.

Forestry Field Day Educates Georgia Regulators on New Silviculture Guidance

By Donald Hendrix and Tracy Robillard
USACE Regulatory Specialist and USACE Public Affairs Specialist

A team of 35 state and federal regulators gathered in middle Georgia to share knowledge and gain a better understanding of new Clean Water Act (CWA) guidelines during the Forestry Field Day workshop, Feb. 16.

Hosted by the U.S. Army Corps of Engineers (USACE) Savannah District's Regulatory Division, the workshop addressed new "Guidelines for Silviculture Exemptions under the Clean Water Act in the State of Georgia." Silviculture, or forestry, is essentially the practice of controlling the growth, composition, and health of forests for diverse needs.

These new guidelines clarify exemptions for certain forestry activities that involve the placement of dredged or fill material in a section 404 CWA waterway that may be exempt. Examples of exempt forestry activities include forest roads with minor wetland and/or stream crossings, routine

timber harvesting, and mechanical site preparation in established pine plantations. Other section 404 CWA exemptions include some agriculture activities, and some temporary haul roads associated with mining activities.

The USACE developed this guidance to help its customers and cooperating agencies that routinely evaluate silviculture activities and exemptions. USACE released draft guidelines with two appendices (A and B) to the public for a one year comment period in December of 2010. Since that time, USACE has worked with the U.S. Environmental Protection Agency (EPA) and the Georgia Forestry Commission (GFC) to develop Appendix C, which is intended to provide clarification on which agency would likely review a silviculture activity to determine exemptions, depending on the types of silviculture activities. The Public Notice for

Appendix C is expected to be issued by May 2012.

The Forestry Field Day workshop brought together representatives from state and federal agencies that are closely involved in silviculture issues. EPA, GFC, and the Georgia Environmental Protection Division (Georgia EPD) were key coordinating agencies that helped make the workshop a success.

"GFC was extremely helpful in coordinating our use of privately-owned land," said Donald Hendrix, USACE regulatory specialist. "Obtaining such access was no small feat. Very few landowners are willing to open up their property gates to 35 federal and state regulators. We are very appreciative of GFC and of Plum Creek Timber Company for providing a convenient property to complete this field training exercise that also demonstrated some excellent management practices."

Participants got an up-close look at Best Management Practices (BMPs) related to the silviculture exemptions. Essentially, BMPs are recommended conservation and management practices that effectively control the movement of pollutants from a land area, prevent degradation of soil and water resources, and are compatible with the planned land use.

Left and above next page: State and federal regulators learn about forestry exemptions to the Clean Water Act during the Forestry Field Day Workshop, Feb. 16 in middle Georgia. Photos by Mike Wylie, EPA.



For example, the group visited a large temporary stream crossing that had been restored and observed the use of logging debris to stabilize the steep approach to the stream.

The group also walked down an exempt forestry road that led into a river swamp. The road demonstrated exceptional construction techniques by using low water and rock crossings, using borrow material consisting of clay from an upland area, hydro-seeding, and removal of roadside trees to allow for daylight drying. The road was also constructed nearly at-grade to allow for forestry uses during dry seasons, while not impeding the reach and flow of water into the swamp during flood events.

"We discussed the necessity of this road for accessing an upland pine plantation island out in the middle of the flood plain, and use of the road for management activities such as prescribed burning, wildfire management, site preparation, harvesting and planting," Hendrix said. "The group further discussed the use of borrow material from within the flood plain by digging pits rather than roadside ditches, and also the fact that BMP's recommend using suitable forestry road fill material from an upland source where feasible."

The group also discussed third-party forest certifications, such as The Sustainable Forestry Initiative, Certified Tree Farm, The American Forest Foundation, and The Forest Stewardship Program. Landowners can qualify for these certifications to demonstrate that their forest products are grown and produced under circumstances that in some cases meet stricter standards than state and federal requirements.

At the end of the day, participants came away with valuable knowledge and understanding of BMPs and silviculture exemptions. Learn more about exempted activities related to Section 404 of the CWA by visiting the Regulatory Division web page at:

<http://www.sas.usace.army.mil/regulatory/Exemptions.html>



Below: The group visited a large temporary stream crossing that had been restored and observed the use of logging debris to stabilize the steep approach to the stream. Photo by Mike Wylie, EPA.



Corps of Engineers Answers Frequently Asked Questions on Farm Ponds



Above: A farm pond near Hawkinsville, Ga. USACE photo.

*By Terry Kobs
USACE Regulatory Specialist*

Did you know there are more than 4 million acres of crop lands in Georgia, according to 2007 data from the U.S. Department of Agriculture? Of these farm lands, 22 percent are irrigated. But this percentage has likely risen since 2007, considering the recent droughts and high prices for many crops grown in Georgia.

The water used for irrigation primarily comes from one of two sources; it's either pumped from subsurface wells or from surface storage ponds. But because of volume limits on wells and the detrimental impacts wells are having on aquifers, many farmers are turning to farm ponds to supply water for irrigation.

The placement of dredge or fill material into waters during normal farming activities may be exempt from Section 404 of the Clean Water Act (CWA). The construction of irrigation ponds is considered a normal farming activity, as long as it meets certain criteria.

To help the farming community determine if a proposed farm pond would be exempt, the U.S. Army Corps of Engineers (USACE) Savannah District and Natural Resources Conservation Service (NRCS) jointly developed a document titled "Georgia Farm Pond Exemption Guide."

The exemption guide provides definitions of some common terms encountered when developing a farm pond and discusses how a pond should be constructed. It covers who is eligible for

a farm pond exemption and gives examples of how to develop a water budget. The guide also outlines the procedure for landowners applying for a farm pond exemption.

The exemption guide was released in 2008, but after several years of use, the USACE began a review of the process to determine if the guidelines could be improved. The USACE, NRCS, and the U.S. Environmental Protection Agency (EPA) held joint meetings throughout 2010 and 2011. The result of these meetings was a comprehensive list of the most frequently asked questions on farm pond exemptions. The USACE released the document, entitled "Frequently Asked Farm Pond Questions (Q) and Answers (A)" in October of 2011.

Currently, the USACE is developing a list of information that should be provided with requests for large farm ponds. The first step in this process is to determine when a proposed pond would be considered a large pond, but once this is determined, the USACE will develop a list of the minimal information required for an exemption determination.

The USACE plans to release the additional information list within the coming month. To learn more about the exempted activities related to Section 404 of the CWA and keep up-to-date with requirements for the USACE review of exemption requests, visit the new online tool on the Regulatory Division web page at: www.sas.usace.army.mil/regulatory/Exemptions.html.



10th Annual Savannah Boat & Outdoor Show

Members of the U.S. Army Corps of Engineers (USACE) Savannah District staffed two booths at the 10th Annual Savannah Boat and Outdoor Show, March 2 – 4 at the Savannah International Trade and Convention Center. The show attracts thousands of current and would-be boat owners and outdoor enthusiasts with extensive displays of the latest in watercraft lines, marine equipment, accessories and services. The Savannah District booths featured kids coloring books and promotional items on water safety, maps and pamphlets about the Corps' Savannah River Lakes, and dock permitting information from the Regulatory Division. The event was a great way for the USACE to reach a specific target audience—boat owners and water recreation enthusiasts—to communicate key messages about water safety and stream/wetland permitting. Remember, always wear your life jacket when recreating in, on or near the water. Don't leave land without it!



Left: Park Ranger Roosevelt Pough of the J. Strom Thurmond Dam and Lake Project speaks with members of the public at the 10th Annual Savannah Boat and Outdoor Show.

Below: USACE team members Eric Jeffcoat and Park Ranger Roosevelt Pough talk about water safety at the Savannah Boat and Outdoor Show. Background: Brian Moore and Kelly Finch of the Regulatory Division. Photos by Tracy Robillard.



Meet Your New Regulatory Team Members



Kelly Finch joined the Savannah District team in January 2012 as the coastal branch chief for the Regulatory Division. She came to Savannah from the Corps of Engineers Jacksonville District in Jacksonville, Fla., where she had served in multiple positions since 1999.

She started in Jacksonville's Regulatory Division as a project manager. In 2004, she became an outreach specialist with the Jacksonville District's Corporate Communications Office, where she worked on controversial regulatory issues and Everglades restoration. In 2005, she was reassigned to work as the District's executive assistant and Congressional liaison. She returned to the Regulatory Division in 2007 as an enforcement project manager for the North Florida area. During this time, she was the acting enforcement section chief. She was also responsible for planning and executing Regulatory road shows from 2007 through

2010; reviewing pending mitigation bank projects; and planning various conferences, to include the first Statewide Mitigation Banking Conference and Central Florida EIS Mining Summit for the Jacksonville District. Finch completed a detail at the Office of the Assistant Secretary of the Army for Civil Works this past winter.

Before coming to the Corps of Engineers, Finch served in the U.S. Army as an enlisted Soldier medic and as a regular Army officer. She received her commission in 1992 and served as an environmental science officer. After active duty, she worked with the State of Florida as an environmental specialist and joined the Army Reserves to command a medical detachment in Gainesville, Fla.

Kelly holds a Bachelor of Science in biology from Florida Southern College and a Master of Public Administration with a concentration in environmental management from Jacksonville State University. She enjoys traveling, biking, and baseball games with her family.

Kevin Thames

became chief of the special projects section within the Piedmont Branch in December of 2011.

In his previous assignment, he worked for the Office of the Assistant Secretary of the Army (Installations, Energy and Environment), southeast region in Atlanta, where he reviewed legislation and rule-making in assigned states and coordinated with installations to determine potential effects of these actions on the Army training mission.

In 2009, Thames joined the Army Installation Management Command (IMCOM), Southeast Region, headquartered at Fort McPherson, Ga. There, he worked with Army installations across the southeast on such things as obtaining Section 404 permits for construction of armor training facilities at Fort Benning; conservation of red-cockaded woodpecker and gopher tortoise habitat; and review/approval of installation

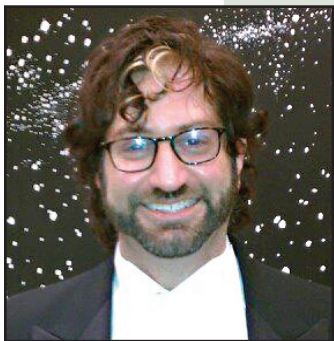
environmental program funding.

From 1997 to 2009, he worked in private industry as a consultant on natural resource issues focused on the Corps' Regulatory program, particularly Section 404 projects. Of that time, from 1999 to 2009, Kevin was self-employed, providing individualized customer service to a variety of clients. From 1995 to 1997, he served as a regulatory project manager for the Savannah District at the Atlanta field office.

Thames began his career in regulatory programs at the Environmental Protection Agency Region 4 in Atlanta in 1991. While there, he served as wetlands regulatory section project manager for Georgia until 1995.

Thames holds a Bachelor of Science in biology from Georgia State University, and a Master of Science in applied biology from Georgia Tech. He enjoys outdoor activities, non-fiction reading, and playing the guitar.





Philip Shannin came to the Savannah District in February of 2012 as the new Piedmont Branch permits section chief. Shannin has more than 16 years of experience working in the Corps of Engineers' Regulatory program.

As a graduate student, he worked as a co-op student for the Corps' New Orleans District Regulatory office. From 1998 through 2012, he worked as a Regulatory project manager for the Corps' San Francisco District, where he developed a specialty in wetland mitigation banking and took on the role of the interagency review team chair for mitigation bank proposals.

Additionally, in 2010 he worked on a developmental assignment for the Baltimore District Regulatory office, specifically assisting them in issues related to mitigation, mitigation banking and functional assessments.

Shannin completed a Bachelor of Science in biology at Florida State University and a master's degree in ecology, evolution, and organismal biology at Tulane University in New Orleans, La. In his free time, he enjoys spending time with family in Atlanta, working out, and singing in choral groups.

Nikita Ferguson joined the Savannah District in January 2012 as the office automation clerk for the Albany Field Office. She's also a student at Darton College in Albany, Ga., where she is currently working toward a bachelor's degree in biological science.

Ferguson completed an associate's degree in biological science from Darton College in 2011. She plans to transfer to the University of Georgia College of Agricultural and Environmental Sciences in Tifton, Ga., this fall to continue work on her bachelor's degree. As she continues to balance her education with her work, she is eager to learn the ins and outs of what the Regulatory Division does to protect the nation's aquatic resources through the Clean Water Act.

A native of Zanesville, Ohio, Ferguson moved to south Georgia at a very young age with her family, where she spent most of her life growing up in Sylvester. Along the way, she developed a passion for wildlife. In 2011, she started volunteering at Chehaw Wild Animal Park in Albany and was soon hired as a zookeeper aid. Having the opportunity to work up-close with black rhinos, cheetahs, and red wolves, she learned the importance of government agencies and other interest groups that work to protect threatened and endangered species.



Lisa Lovvorn joined the Savannah District in March 2012 as a regulatory specialist in the Coastal Branch. Before her assignment in Savannah, she was a project manager with the Jacksonville District's Regulatory Division, where she had worked since 2008.

Before joining the Corps of Engineers, Lovvorn worked as the Environmental Management System (EMS) coordinator at Fort Benning, Ga., where she was responsible for the daily operation of the EMS and interacted closely with other environmental program managers to ensure implementation of Executive Order 13148, Greening the Government through Leadership in Environmental Management.

Her previous positions include: biologist aide for the Alabama Department of Environmental Management, where her duties included water quality testing and conducting environmental assessments; and pollution prevention/water/ozone-depleting substance group coordinator for the Anniston Army Depot, where she implemented energy savings and recycling efforts to reduce waste and generate revenue for employee functions.

Lovvorn holds a Master of Public Administration with a concentration in environmental science management from Jacksonville State University; a Bachelor of Science from the University of Alabama at Birmingham; and an Associate of Science from Central Alabama Community College. She enjoys traveling, playing billiards and watching sports with her family.



Corps Revises Compensatory Mitigation SOP



Justin Hammonds (pictured left) of the Piedmont Branch presents at a workshop about the new Standard Operating Procedure (SOP) for calculating compensatory mitigation credits for the State of Georgia. The purpose of the new SOP is to bring the Savannah District's mitigation program more in-line with the 2008 Mitigation Rule, by transitioning from an activity-based SOP to a functional-based SOP approach.

The functional-based SOP is focused on assessing the existing conditions and functions of a given aquatic resource and assigning an associated score. Once an existing condition score is determined, the quantity of mitigation credits owed for an impact or generated by restoration activities may be calculated.

Additionally, by transitioning to a functional-based SOP, the District can further ensure appropriate functional replacement for aquatic resource impacts. To this end, the District has incorporated new resource category credit types, which will further expand in-kind resource replacement.

Presently, the Savannah District uses a generic credit system (i.e. wetland credits and stream credits). The new resource category types

are based upon flow regime for streams and hydrodynamics for wetlands.

The new SOP has not yet been released to the public, but the District plans to issue a public notice advertising the new SOP in coming months. In the meantime, the Savannah District held two workshops in February and March of 2012 in the Piedmont and coastal regions to speak with consultants about the upcoming revised compensatory mitigation SOP model.

Corps Reissues Nationwide Permits, Develops Regional Conditions

*By Sarah Wise
USACE Regulatory Specialist*

On February 21, 2012, the U.S. Army Corps of Engineers announced the reissuance of the Nationwide Permits (NWP). NWPs provide an expedited review of projects that have minimal impacts on the aquatic environment. These NWPs were effective as of March 19, 2012, and will expire on March 18, 2017.

In April 2011, Richard Morgan, Sarah Wise, Brian Moore and Mary Dills of the Savannah District began the process of developing and coordinating the District's 2012 NWP Regional Conditions (RCs). RCs ensure that activities authorized by the NWPs result in minimal individual and cumulative adverse effects on the aquatic environment. During their development, the Savannah District hosted several meetings with both federal and state agencies to discuss regional issues relating to the aquatic environment. Comments from those meetings, along with issues identified by the District, were incorporated into the "Savannah District 2012 Regional Conditions."

To solicit comments on its proposed regional conditions, the Savannah District issued a public notice on August 31, 2011. In addition, Savannah District hosted several meetings with stakeholders to discuss concerns regarding the practicability and future implementation of the proposed RCs. In March 2012, the Georgia Department of Natural Resources issued a conditional 401 Water Quality Certification and conditional Federal Consistency Determination for the NWPs. The Savannah District is now accepting applications for use of the 2012 NWPs.

Some NWP activities may proceed without notifying the Corps, as long as those activities satisfy the terms and conditions of the NWPs, as well as the RCs implemented by the Savannah District. Other NWP activities cannot proceed until the project proponent has submitted a preconstruction notification to the District; and for most NWPs the District has 45 days to notify the project proponent whether the activity is authorized by a NWP.

All uses of a NWP in Georgia must comply with all applicable NWP general conditions and the Savannah District's RCs.

The final NWPs, general conditions, further information, and definitions can be found on the USACE Headquarters website at: <http://www.usace.army.mil/Missions/CivilWorks/RegulatoryProgramandPermits/NationwidePermits.aspx>.

The Savannah District's 2012 NWP Regional Conditions can be found at: http://www.sas.usace.army.mil/regulatory/Nationwide_Permits.html

Corps Hosts Public Scoping Meetings for Proposed Glades Reservoir EIS



Above: David Crosby, Deputy Chief of the Regulatory Division, U.S. Army Corps of Engineers Savannah District, speaks with a member of the public at the Glades Reservoir scoping meeting at Gainesville State College, March 20, 2012.

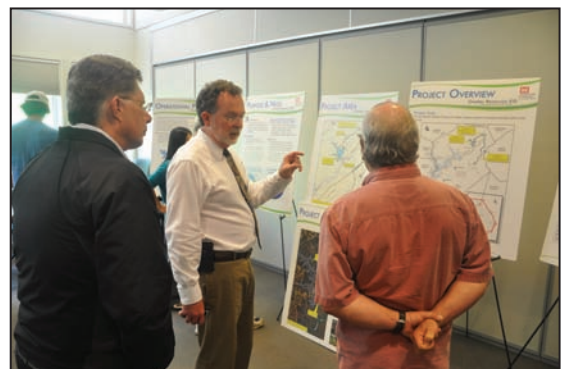
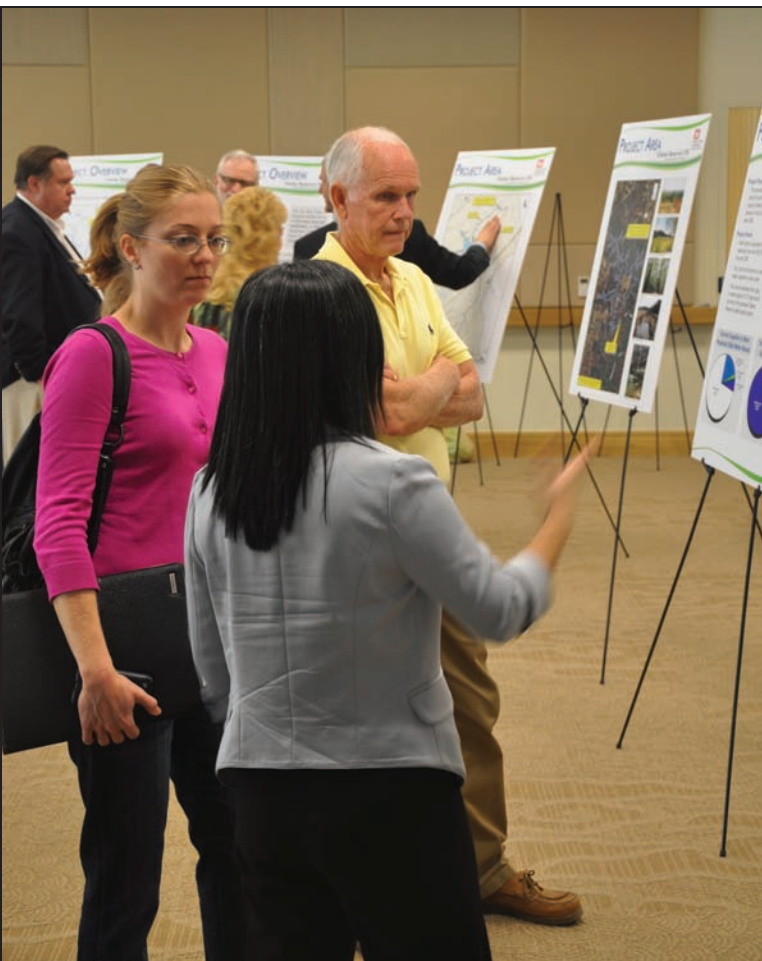
The U.S. Army Corps of Engineers (USACE) Savannah District hosted a series of public scoping meetings to gather feedback from citizens, stakeholders, and state and local governments and agencies on the proposed Glades Reservoir project. The meetings were held March 20, 21 and 22 in Oakwood, Ga., Auburn, Ala., and Eastpoint, Fla.

The USACE is evaluating a permit application submitted by Hall County, Ga., for the construction and operation of an 850-acre flow augmentation reservoir and associated pipelines and facilities. The reservoir is proposed to be located in Hall County on Flat Creek, a tributary to the Chattahoochee River upstream of Lake Sidney Lanier.

The USACE is working with contractor AECOM to prepare an Environmental Impact Statement (EIS) on the proposed project in order to make an informed permit decision. The scoping meetings were a critical first step to identify key issues and concerns to help the USACE narrow the scope of the EIS. The EIS will analyze social, economic and environmental impacts of the proposed project, including downstream effects, water quality and quantity, impacts to wetlands, endangered species, cultural resources, alternatives, and more. The public will have an opportunity to comment on the draft EIS and final EIS documents as part of the National Environmental Policy Act process. For more information, visit www.gladesreservoir.com

Left: Citizens learn about the proposed project at the scoping meeting in Oakwood, Ga., March 20, 2012.





Below: Richard Morgan, project manager for the Glades EIS with the Regulatory Division, U.S. Army Corps of Engineers Savannah District, speaks with members of the public at the Glades Reservoir scoping meeting in Eastpoint, Fla., March 22, 2012.



Regulatory Office Locations

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912-652-5050

Coming up in the next issue of Clean Water Act News:

Understanding Section 106 of the National Historic Preservation Act

Watch upcoming issues of the Clean Water Act News for a three-part article series on the background, issues, terms and definitions of legislation that affects most all regulators—Section 106 of the National Historic Preservation Act. This act was signed into law by President Nixon in 1966 as and “act to establish a program for the Preservation of Additional Historic Properties throughout the nation, and for other purposes.” David Crampton of the Savannah District Regulatory Division will author this informational series of articles.