

# CHARLESTON DISTRICT REGULATORY

David B. Wilson  
Mitigation Program Manager

*"The views, opinions and findings contained in this report are those of the authors(s) and should not be construed as an official Department of the Army position, policy or decision, unless so designated by other official documentation."*



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# OUTLINE

## General Regulatory Updates

1. Staff Updates
2. WOTUS
3. ESA

## Compensatory Mitigation

1. New Staff and Upcoming initiatives
2. SQT
3. Comment Responses



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## STAFF UPDATES

- South Branch
  - 3 new PMs (2 sorta new)
- NE Branch
  - New Branch Chief and admin
- NW Branch
  - 1 new PM in Greeneville,
  - 3 new PM in Columbia
  - New office location
- Special Projects
  - 2 Mitigation PMs
  - 1 Compliance/Enforcement PM
  - 1 Archaeologist



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## STAFF UPDATES –CHIEFS

Amanda Heath is serving as Division Chief

Advertisement for the Special Projects Branch Chief expires March 15. Looking to fill that role quickly



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# WOTUS

Current: Business as Usual

Future: ?

New Rule is out there. Honestly, not much has changed.

Sackett v. EPA Oral Arguments Oct 3, 2022. No news yet.



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# ESA UPDATE

- USFWS starting to use IPaC more
- Option for consultant to fill out keys for ESA calls
- NLEB may become concern on a number of banks



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## COMPENSATORY MITIGATION

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# WHERE WE ARE GOING?

- Two new Mitigation Specialists
- Other initiatives
  - Wetland/Tidal SOP
  - New DD and NWP Templates
  - CE Guidance
  - PRM Compliance and Review
  - Guidance Documents
    - Silviculture
    - Wetland Hydrology
    - Vegetative Standards and burns
    - Preservation Criteria
    - Site Selection Criteria
- SQT Rollout this year



*"Actually, the entire department was scheduled to be shut down until Bill, our resident genius, saved all our jobs by figuring out a way to get it designated as a protected wetland!"*



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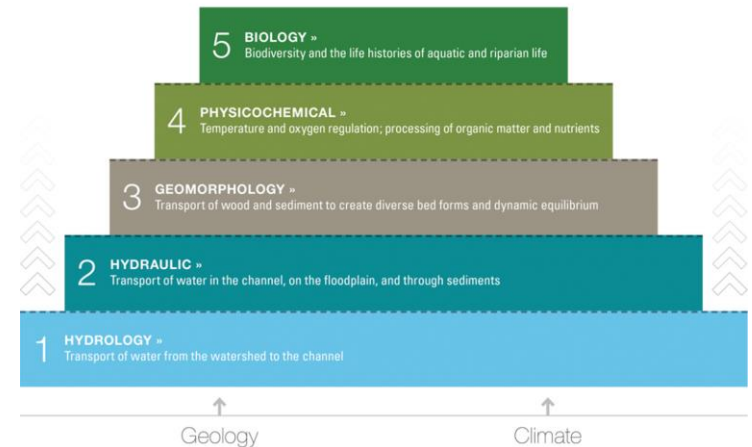


# WHERE IS SQT NOW?

Working closely with the SCMA Technical Committee on Legacy credits and ratios. This includes:

- Potential add-ons to the credit generation to increase credit yield
- Better ways to incentivize 1<sup>st</sup> and 2<sup>nd</sup> order perennial streams
- Incentivize the use of whole catchment and/or more lateral drainage area protection

Public Notice anticipated to be May 5 with effective date of June 6.



# SPECIFIC TOPICS- COMMENT RESPONSES

Corps and IRT working together on streamlining responses. This will speed up the final decision document process

- Responses to comments should be in the following format.
  1. Corps/IRT Comment
  2. Sponsor Response
  3. Page or Section number comment is referencing or where there was a change
- Ideally, this should be in excel format
- If additional explanation needed, please write in separate document and reference in table

The Corps will:

- Number comments
- Provide justification or response if needed for IRT Comments



# WETLAND HYDROLOGY

- Still encouraging lateral effects when applicable
- If using wells as performance standard, install them early. Baseline data needs to be established in early MBI phase (or before)
- IRT is discussing beaver dams, beaver analogs, and wetland hydrology today. No position taken yet by the Corps

Reminder: just because a road, beaver dam, berm etc altered the 'natural condition' of a wetland does not mean there is a significant negative impact to the wetland. You do not need to just show that the wetland has been altered; You need to show that the wetland has been negatively affected by outside influences that you will correct



# SITE SELECTION

District is forming own site selection checklist based on Norfolk District checklist. This will help:

- Identify constraints to the bank
- Identify positives of the bank location
- Form the basis of a Potential (or No Potential) Letter based on Site Location

Historically, we have rarely turned down sites early in the process only to have them drag out for months or years to try to “make them work” (often they are withdrawn before then). This is unfair to bankers. Changes you will see:

- Corps will be more vocal on identifying problem sites early

What can bankers do?:

- come to us early in process before spending a lot of money on land acquisition, planning, and design.
- Provide full disclosure on easements, ROWs, land use, and landowner intentions of property

REMINDER: Just because we say a prospectus is complete does not mean we think it has potential



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# BASELINE DATA-PROSPECTUS LEVEL

## For Wetlands

- Include dominant species list
- Include target community
- Include well plan (if not installed) or well location and graphs
- Include soils/NWI map and preliminary wetland depiction

## For Streams

- Some basic geomorphology required. These can be achieved through representative and non surveyed cross sections for restoration reaches
- Include Stream Assessment Scoresheets (under old guidelines) or hydrology, hydraulic, and geomorphic measurements under new guidelines (may exclude p-p spacing/riffle length in prospectus level assessment)

**REMINDER:** Goal of the prospectus is to sell Corps on the project. Tell us first how bad the system is and second how you will fix it. If we don't have the information for the first, we cannot evaluate the second.



# OTHER USEFUL TOOLS CORPS IS EXCITED ABOUT

## ARCGIS Tools

- Avenza Maps
- Story Maps!
- Field Maps

## Drones

- Photos give a good overview of site
- May be used for performance standards in tidal systems
- Potential use in preservation areas



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# HOW CAN THE CORPS AND SCMA COLLABORATE?

- Corps is working through SCMA Technical Committee on SQT
- Corps Mitigation and chiefs are meeting with SCMA Executive Group on Quarterly Basis
- Corps is committed to speaking at SCMA meetings when requested on at least an annual basis
- Corps would like to engage SCMA on more programmatic initiatives including any mitigation guidance affecting the program. We want to be receptive to ideas to improve efficiencies (in writing best). Corps Chiefs listened to one of the concerns by SCMA and added additional staff to speed up reviews and processing. (still a learning curve)



# QUESTIONS?

16

File Name



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