

The Forum

NEW YORK STATE WETLANDS FORUM NEWSLETTER

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ARMY CORPS PROPOSES TO RENEW AND MODIFY NATIONWIDE PERMITS

— Kevin M. Bernstein

The U.S. Army Corps of Engineers (Corps) has announced that it is seeking comments on its proposal to renew and revise nationwide permits for work in wetlands and other waters that are regulated by Section 404 of the Clean Water Act and/or Section 10 of the Rivers and Harbors Act of 1899. In addition, the Corps is proposing to issue two new nationwide permits that pertain to authorizing renewable energy generation projects. The proposed reissued and modified nationwide permits were published in the Federal Register on February 16, 2011 (Vol. 76, No. 32, pp. 9174 - 9207). Comments are being accepted until April 18, 2011. The Corps must finalize the nationwide permit reissuance before the current nationwide permits expire on March 18, 2012.

According to a news release issued by the Corps, “Our goal is to develop and authorize nationwide permits that provide clarity and certainty, saving time and cost to the regulated public and the government,” said Maj. Gen. William T. Grisoli, U.S. Army Corps of Engineers, Deputy Commanding General for Civil and Emergency Operations. “We believe the set of nationwide permits being proposed today encourage innovation and creativity in meeting the challenges of protecting America’s wetlands and aquatic resources.”

The nationwide permits authorize activities that are similar in nature and cause only minimal adverse environmental impacts to aquatic resources separately or on a cumulative basis. Activities range from work associated with aids to navigation and utility lines to residential developments and maintenance activities.

Many of the nationwide permits being proposed remain unchanged from 2007, the last time the nationwide permits were authorized.

Here are some quick questions (**in bold**) and answers (*in italics*) provided by the Corps

on the proposed new/revised Nationwide Permits. At the annual meeting of the New York State Wetlands Forum, there will be a session during the popular legislative and regulatory session on the second day (April 14, 2011).

Why are you issuing Nationwide Permits (NWP) now?

The Clean Water Act of 1977 requires the Corps to reissue nationwide permits every five years. The current suite of 49 nationwide permits will expire in March 18, 2012, so we are seeking public comments before renewing them.

Is the Corps proposing to issue any new NWPs?

The Corps is proposing to issue two new NWPs. One proposed new NWP would authorize the construction of land-based renewable energy generation facilities. The other proposed new NWP would authorize pilot projects for water-based renewable energy generation facilities, such as hydrokinetic energy and wind turbines located in waters.

Are there any NWPs the Corps is not proposing to reissue?

The Corps is proposing not to reissue NWP 47, which authorized activities in waters and wetlands associated with time sensitive inspections and repairs of pipelines. That NWP was issued in reliance on a reporting tool that was not fully developed by the U.S. Department of Transportation. Since the reporting tool is not available, the activities authorized by NWP 47 can be authorized by existing NWPs, such as NWP 3, Maintenance, and NWP 12, Utility Line Activities.

Is the Corps proposing to make any changes to NWP 48, which authorizes existing commercial shellfish aquaculture activities?

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Wetlands Forum, Inc.
2011 Annual Conference
And Meeting**

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New York State Wetlands Forum

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Mission:

The New York State Wetlands Forum is a non-advocacy corporation comprised of individuals and groups with diverse backgrounds, interests and viewpoints regarding wetlands and their science, use and management. Incorporated in 1994, the Forum is a 501(c)(3) not-for-profit organization. Its purpose is to improve communication among people interested in wetlands; call attention to and objectively discuss local, statewide, regional, national and global wetland issues as they relate to New York State; improve its members' knowledge and understanding of wetlands; and, make available information about wetlands to its members and the general public.

MESSAGE FROM THE CHAIR

Hello everyone. We're in the middle of planning our Annual Conference, to be held on April 13 and 14, 2011 at the Crowne Plaza in Lake Placid. We typically get record numbers of attendees in Lake Placid and we look forward to a great event at this location once again.

The layout of the conference will remain the same as past years. The first day will be a series of breakout sessions on wetland-related topics, and the second day will be a morning of legislative updates followed by several great field trips.

Please see the agenda included in this newsletter for speakers and topics. We will have a diverse conference with topics focusing on Adirondack Park interests, wetland mitigation and restoration, stream restoration, and we have some great speakers on recent legislative actions with a round-table question and answer period.

We are encouraging students to attend the Annual Conference. We are offering a waived registration fee for students who submit a poster for the Student Poster Session. Get your posters entered!

The Board of Directors is currently accepting nominations for new Board Members. Please see the article in this newsletter regarding the process of nomination and responsibilities. We'd love to have you join us- we're an energetic and fun group of folks!

In addition to the "Naturalist Contest", we will be featuring a Quiz Bowl- type game in the Crowne Plaza's beautiful lobby/bar area. We'll have a sign-up sheet at the conference for your teams of two.

Please enjoy the agenda for the conference and we'll see you in Lake Placid in April!

Melissa Toni, Chair



Melissa Toni

HOPE SPRINGS ETERNAL

The blanket of snow covering New York State Wetlands can't last forever - can it? To give us hope for green things in our future, here is a 2010 list of dates for some natural happenings in and around a Saratoga County Wetland:

April 5th - Coltsfoot in bloom.

April 7th - Marsh Marigold in bud and the first peepers peeping!

April 11th - Red Trillium and blue Cohosh in bloom. Cattail leaves 3 inches high.

April 18th - Golden Alexander in bud and Sensitive Fern in fiddlehead.

April 23rd - American Toads calling, Goldthread in bloom, and Nannyberry leaves unfurling.

April 26th - Toothwort, Foamflower, and Jack-in-the-Pulpit opening.

April 30th - Purple Loosestrife emerging and Wild Current in full bloom.

It's hard to believe that these things can return after the winter we've just experienced, but Spring is just around the corner!

NATURE QUIZ RETURNS TO THE ANNUAL CONFERENCE

If you have been to the last few Wetlands Forum Conferences, you know that the Nature Quiz gets more and more difficult each year. It was once strictly plant identification, but has evolved over the years to include subjects as varied as birds, mammals, insects, and even soils and fossils! Although plants will always be included, this year's quiz may be the most difficult yet. With the conference scheduled for mid April, in northern New York no less, the mystery items to include will be even harder to secure. Three mighty biologists will pick the items this year, so come prepared to be challenged once again. Of course the prizes for the most correct answers will be as awesome as usual!

NOW IS THE TIME FOR ALL GOOD MEN (AND WOMEN) TO COME TO THE AID OF THEIR COUNTRY FORUM: A CALL FOR NOMINATIONS

— Michael S. Fishman, CWB, PWS

As another year winds to a close, we prepare for the grand celebrations ahead, where we can enjoy the company of the people we love and admire, partake of too many baked goods, listen to the news and views of our fellows, and come away well fed, well rested, and with a renewed faith that the world is still a good place. I'm speaking, of course, about the upcoming 2011 New York State Wetlands Forum Annual Meeting. The 2011 Annual Meeting is scheduled for April 12-14, and will once again be held in beautiful (and placid) Lake Placid. As you work on abstracts to submit for presentations or posters, or pick up the phone to volunteer to moderate a session, collect evaluation forms, or bake fresh cookies for the Board of Governors' meeting, don't forget the biggest opportunity of the meeting: voting for and hazing of, er, I mean induction of new members of the Board of Governors. That means now is the time to nominate candidates, and for candidates to start campaigning!

The New York State Wetland Forum Board of Directors consists of up to fourteen directors and officers. The Board membership should be representative of public and private sector interests and include a broad range of expertise and experience. Board members should expect to contribute knowledge, contacts, expertise, and organizational skills to further the mission of the New York State Wetland Forum. Ideally, Board members should also be drawn from the entire geographical area of New York State, have a reasonably good sense of humor, and occasionally pick up the bar tab. Board members serve a three year term, which may be renewed by reelection upon expiration, pending a supporting bid from the nominating committee. Terms are staggered to maintain

a residual of experience and institutional memory.

Whilst you consider your own (or another's) potential rise to infamy in one of these coveted seats, please consider that these positions are not merely positions of great honor and privilege (and great resume fodder), but actually require real work. Annually, Board Members are expected to:

- Share their wetland-related expertise with NYS Wetlands forum members and the public;
- Participate in 5 to 10 conference calls per year;
- Attend a one-day fall Board meeting;
- Attend the annual NYS Wetlands Forum Conference and Business Meeting, which is typically a two day event held in the spring;
- Organize and moderate a session at the annual conference; at a minimum allow 4-6 hours for this task spread over about 2 months;
- Chair or participate actively in one or more committees – i.e. Website, Newsletter, Annual Conference, Board Member Nomination, Scholarship (time commitment varies, assume 2 hr per month minimum);
- Be willing to transition into one or more of the officer positions (chairman, vice-chairman, secretary, treasurer—all with additional duties not mentioned here);
- Participate actively in preparing for the Annual Meeting and other workshops as needed. Activities include solicitation of speakers, participation from corporate and non-profit vendors; sponsorship of refreshments during breaks and cocktail hour; finding suitable locations for the conference. Estimate 10-15 hrs spread over 6-10 months;
- Contribute or solicit at least two articles for the Newsletter (published 3 times per year);

and

- Assist in obtaining vendors and exhibitors for the Annual Meeting.
- During their three-year term, Board Members are expected to:
- At some point during a 3 year term, organize or assist with one or more ½ day field trips associated with the annual conference;
 - At some point during a 3 year term, organize or assist with a special interest workshop – allow 24 - 40 hours to plan and execute.

There will be 6 positions available on the Board at the 2011 annual meeting, including seats of Board members whose terms are expiring. Current Board members whose terms are expiring are eligible to run again, but must still be nominated for the election. Individuals may nominate themselves, or be nominated by others. If you choose to nominate someone other than yourself, please be sure that person is willing to fulfill the duties of the office – don't forget to tell them about the sense of humor.

Per the Forum's bylaws, the Board has appointed a nominating committee to receive nominations, including: Mike Fishman (michael.fishman@ghd.com), Fran Reese (fareese@luengineers.com), and Melissa Toni (melissa.toni@fhwa.dot.gov). Please email one of us if you would like to be considered, with a statement about how you would participate in the above-listed responsibilities and contribute to the Wetlands Forum mission. We will be accepting nominations through the end of March, at which time we will post the slate of candidates at the Annual Meeting for your consideration. According to the Forum's bylaws, nominations received after that time must be by written petition, signed by at least ten members, and filed with the secretary no later than 3 days before the Annual Meeting. Nominees shall not run for a specific vacancy, but shall run at-large. Please consider serving your Forum by nominating yourself or another worthy and energetic individual to give back to your Forum.

NEW YORK WETLANDS IN JEOPARDY - AN UNPAID ADVERTISEMENT -

— Michael "Alex Trebek" Fishman

Have you ever wanted to show off the depth of your knowledge of wetlands to gain social acclaim, impress your friends and confound your enemies, but you just can't find the right line to open the topic at a cocktail party? Do you tend to slam your hand down on the table every time you want to answer a question? Do you hum "Think" (the musical theme to the final round of *Jeopardy*) every time you are trying to, well, think? Are you an insufferable know-it-all? Then you are in luck, friend, because *Jeopardy* is coming to the New York State Wetlands Forum!

That's right, this year's NYSWF Annual Meeting will feature an evening of the kind of fun you can only get from answering an answer with a question. You get to show off your knowledge and may win fun prizes (or not), all based on your knowledge of wetland science and regulations! But don't worry – if you can't answer a question, er, I mean an answer, you'll still get the exhilaration of receiving that withering look from me as I read you the *correct* answer as if I knew it all along, and watch all of your accumulated points and prizes vaporize into the ether!

Rules and game format details will be revealed at the Annual Meeting, so start studying those wetland plant and soils books and those riveting federal and state wetland regulations, practice hitting an imaginary buzzer (just tell your coworkers there are a lot of flies in your office), and saying things like, "I'll take Significant Nexus Determinations for 400, Alex". Fame awaits you in Lake Placid!

**NEW YORK STATE WETLANDS FORUM, INC.
ANNUAL CONFERENCE AND MEETING**

**LAKE PLACID, NEW YORK
CROWNE PLAZA RESORT AND GOLF CLUB
877-570-5891 / HTTP://WWW.LAKEPLACIDCP.COM**

APRIL 13 AND 14, 2011

SUSTAINING WETLANDS IN CHANGING TIMES

April 13

- 6:30 - 7:30** Exhibitor/Poster Setup
7:30 - 5:00 Registration and Review of Exhibits and Posters
7:30 - 9:00 Continental Breakfast
8:30 - 8:35 Opening Remarks: Ms. Melissa Toni, Chair, New York State Wetlands Forum
8:35 - 9:05 KEYNOTE ADDRESS: Bob Marshall Wilderness Proposal in the Adirondacks
Speaker: Brian Houseal, The Adirondack Council
9:05 - 9:30 BREAK and Review of Exhibits/Posters
9:30 - 10:50 CONCURRENT SESSION A

1. Vegetation Identification and Plant Communities

- Long Term Comparison of Wetland Plant Communities in Ausable Marsh, Clinton County, NY – 1978-2011: Preliminary Results
Speaker: Mr. Timothy M. Shearman and Mr. Christopher T. Martine – SUNY Plattsburgh
- Identification of Plants in Winter
Speaker: Mr. Joseph M. McMullen – Terrestrial Environmental Specialists, Inc.
- Plant Phenology in a Saratoga County Wetland Complex
Speaker: Mr. Kurt Weiskotten, New York State Thruway Authority/Canal Corporation

Moderator: Mr. Bernie Carr, Terrestrial Environmental Specialists, Inc.

2. Wetland Mitigation

- Integrating Natural Resource Mitigation Efforts at the Community Level
Speaker: Mr. Rene VanSchaack - Greene County Industrial Development Agency
- Wetland Mitigation Opportunities Through Partnerships With Land Trusts
Speaker: Mr. Andrew Zepp - Finger Lakes Land Trust
- Predicting Suitable Wetland Mitigation Sites Using Maximum Entropy Modeling
Speakers: Ms. Elizabeth Hunter and Mr. Patrick Raney - Upper Susquehanna Coalition and the State University of New York, College of Environmental Science and Forestry

Moderator: Ms. Sandie Doran, U.S. Fish and Wildlife Service

3. Water Quality- Continuing and Emerging Issues

- Research into Acid Rain and Mercury Cycling in the Adirondacks (Title TBD)
Speaker: Greg Lampman, NYSEKDA
- Current Issues in Stormwater Management: Green Infrastructure Design and Permitting Requirements
Speaker: Mr. Dave Hanny, CPESC, CPSWQ, LEED AP - Barton & Loguidice, P.C.
- Marcellus Shale Gas Impacts on Pennsylvania Wetlands and Streams
Speaker: Dr. James A. Schmid – Schmid & Co., Inc., Consulting Ecologists

Moderator: Ms. Anne Secord, U.S. Fish and Wildlife Service

10:50 – 11:10 BREAK and Review of Exhibits/Posters

11:10 – 12:30 CONCURRENT SESSION B

1. Stream Restoration Session I

- Large-Scale Remediation and Mitigation: Seneca Meadows Landfill (Waterloo, NY)
Speaker: Mr. Andy Buss - Applied Ecological Services, Inc.
- Moving Beyond Armored Revetments: The Toe Wood Structure
Speaker: Mr. Gian Dodici - U.S. Fish and Wildlife Service
- Urban Stream Restoration Project in Pennsauken, NJ
Speaker: Mr. Josh LaPointe – Applied Ecological Services, Inc.

Moderator: Mr. Kevin Bliss, New York State Department of Environmental Conservation

2. **Wildlife and Transportation**

- Design Considerations, Construction and Effectiveness of Fencing for Turtles: Northern New York State Highway Transportation Case Studies
Speaker: Mr. Tom Langen - Clarkson University and Mr. John Falge - NYS DOT
- Alternatives to barriers and ecopassages in reducing turtle road mortality
Speaker: Mr. Glenn Johnson – State University of New York at Potsdam
- Title TBD
Speaker: Ms. Michelle Brown – The Nature Conservancy

Moderator: Mr. Ed Frantz, New York State Department of Transportation

3. **Wetland Mapping**

- Challenges to Wetland Mapping and Delineation in the Ashokan Basin of the New York City Water Supply Watershed
Speaker: Ms. Laurie Machung – New York City Department of Environmental Protection
- DEC Wetland Remapping Underway
Speaker: Mr. James M. Pinheiro - DEC Region 3 and Ms. Judy Marth Stevens – DEC Central Office

Moderator: Mr. Dan Spada, Adirondack Park Agency

12:30 – 2:00 LUNCH and Membership Meeting

2:00 – 3:20 CONCURRENT SESSION C

1. **Stream Restoration Session II**

- Techniques in Stream Restoration: Introduction to Stream Restoration Principles
Speaker: Mr. Donald J. Lockwood, PWS - Shumaker Consulting Engineering & Land Surveying, P.C.
- West Brook Conservation Initiative, Stream Restoration
Speaker: Ms. Barbara Beall – The Chazen Companies
- Application of a Stream Functional Assessment Method for Development of Stream Mitigation Plans in New York State
Speaker: Mr. Kevin Verweire, HDR, Inc.

Moderator: Ms. Melissa Toni, Federal Highway Administration

2. **Isolated Wetland Issues**

- Vernal Pool Occurrence and Species Distribution within Transmission Right-of-Ways in Maine
Speaker: Mr. Colin P. Duncan, PWS, CPSS – TRC Environmental
- Mitigating for Vernal Pool Herpetile Habitat at the Landscape Level: Three Project Applications from the Northeast United States
Speakers: Mr. Ed Samanns, Mr. Richard Bolton, and Ms. Dana Long – Louis Berger Group, Inc.

Moderator: Mr. John Condino, Barton & Loguidice, P.C.

3. **Wetland Restoration Methods**

- Ecological Restoration: Form, Function, and Politics
Speaker: Ms. K. Sarah Fleming - Ducks Unlimited, Inc.
- Wetland Restoration and Management Techniques used by USDA/NRCS in the Wetland Reserve Program (WRP)
Speaker: Ms. Shanna Shaw – USDA-NRCS
- Effective Construction Monitoring for Successful Mitigation Efforts
Speaker: Mr. Bruce S. Workman – Terrestrial Environmental Specialists, Inc.

Moderator: Ms. Frances Reese, Joseph C. Lu Engineering and Land Surveying, PC

3:20 – 3:40 BREAK and Review of Poster/Exhibits

3:40 – 5:00 CONCURRENT SESSION D

1. **Wetland Mitigation Strategies**

- Ducks Unlimited – New York In-Lieu Fee Program
Speaker: Mr. Chris Theriot – Ducks Unlimited, Inc.
- Creative Solutions to Wetland Mitigation on a Major Thruway Authority Construction Project
Speaker: Ms. Elizabeth Novak – New York State Thruway Authority/Canal Corporation
- Umbrella Wetland Mitigation Bank in Adirondack Park
Speaker: Mr. Ed Frantz - New York State Department of Transportation

Moderator: Ms. Sheila Hess, Conservation Connects

2. **Threatened and Endangered Species**

- Recent Changes to New York Threatened and Endangered Species Regulations
Speaker: TBD, NYSDEC
- Life History, Status and Management of the New England Cottontail
Speaker: Ms. Noelle Rayman, U.S. Fish and Wildlife Service
- Bats of the Northeast- Biological and Regulatory Status Update
Speaker: Ms. Robyn Niver, U.S. Fish and Wildlife Service

Moderator: Mr. Michael Fishman, Stearns and Wheeler GHD

3. North Country Interests

- New Technology to Prioritize and Assess Invasive Species Management within Adirondack Wetlands
Speaker: Mr. Brendan Quirion - Adirondack Chapter of The Nature Conservancy
- Ecological Value of Restored Wetlands in the St. Lawrence Valley of New York: An Assessment of Avian and Vegetation Communities as Biological Indicators of Wetland Quality
Speaker: Ms. Catherine E. Benson and Mr. Tom A. Langen – Clarkson University

Moderator: Ms. Stephanie Wojtowicz, New York State Department of State, Division of Coastal Resources

5:00 – 6:30 COCKTAIL HOUR

6:30 – 7:45 DINNER

8:00 Quiz Bowl Event

April 14

7:30 – 8:30 Registration

8:30 – 8:35 Announcements – Ms. Melissa Toni, Chair, New York State Wetlands Forum

8:35 – 9:40 Interim Regional Supplement and Indicator Plant List Update

- U.S. Army Corps of Engineers Regional Supplement
Speaker: TBD – U.S. Army Corps of Engineers, Buffalo District
- National Wetland Indicator Plant List Update
Speaker: Mr. Joseph M. McMullen – Terrestrial Environmental Specialists, Inc.

Moderator: Mr. Peter Gibbs, Natural Resources Conservation Service

9:40 – 10:00 Break

10:00 – 11:45 Legislative and Regulatory Update and Roundtable

- Update on the Status of the Agency/Program
Adirondack Park Agency – *Ms. Mary O'Dell*
- Update on New York Wetland Regulations, Status of the Program
New York State Department of Environmental Conservation – TBD
- Update on Species Listing, Update on Bald Eagle Status
U.S. Fish and Wildlife Service – *Ms. Sandie Doran*
- Upcoming Clean Water Act Section 404 Jurisdiction Guidance
U.S. Environmental Protection Agency – TBD
- Proposed 2012 Nationwide Permits
U.S. Army Corps of Engineers, New York District – *Mr. John Connell*
- Letter of Permission for Four Categories of Activities
U.S. Army Corps of Engineers, Buffalo District- TBD

Moderator: Ms. Kathleen Bennett, Esq., Bond, Schoeneck and King, PLLC

11:45 – 12:00 Closing Remarks - Ms. Melissa Toni, Chair, New York State Wetlands Forum

12:00 – 1:00 Lunch, on your own

1:00 - 4:00 Field Trips (Mr. Kurt Weiskotten, New York State Thruway Authority/Canal Corporation)

- Tupper Lake WILD Center- TBD
- Warren County- West Brook Conservation Watershed Improvement Site (Lake George)-Dave Wick
- Invasive Species Restoration Areas (Lake Placid Area)- Brendan Quirion

POSTER SESSION

- **Vernal Pool Occurrence and Species Distribution within Transmission Right-of-Ways in Maine**
Presenter: Colin P. Duncan, PWS, CPSS – TRC Environmental
- **Long term comparison of wetland plant communities in Ausable Marsh, Clinton County, NY – 1978-2011: preliminary results**
Presenter: Timothy M. Shearman and Christopher T. Martine – State University of New York at Plattsburgh
- **Status of PCB Cleanup in the Hudson River**
Presenter: Amy Roe and Bob Foley – U.S. Fish and Wildlife Service
- **Restoration Projects in New York Funded by Natural Resource Damage Assessment and Restoration Settlements**
Presenter: Anne Secord, Kathryn Jahn, Gian Dodici, Amy Roe, and Ken Karwowski – U.S. Fish and Wildlife Service
- **Great Lakes Restoration Initiative Projects in New York**
Presenter: Amy Roe, Anne Secord, Amanda Alexander, Gian Dodici, Robyn Niver, Eric Rozowski, Steve Stroka, and Tim Sullivan – U.S. Fish and Wildlife Service
- **Summary of Bat Mortality at New York State Wind Energy Projects**
Presenter: Tim Sullivan, U.S. Fish and Wildlife Service

ARMY CORPS PROPOSES TO RENEW AND MODIFY NATIONWIDE PERMITS

[Cont'd. from page 1]

The Corps is proposing to reissue NWP 48 with some changes. We are proposing to modify this NWP to authorize expansion of existing operations. We are also considering removing the reporting requirement for certain on-going commercial shellfish aquaculture activities. We are seeking comment on whether to modify NWP 48 to authorize new commercial shellfish aquaculture activities or issue a new NWP to authorize those activities.

Are permittees required to provide compensatory mitigation to offset losses of wetlands and waters caused by NWP activities?

In general, the Corps will require mitigation for wetland losses in excess of 1/10 acre to ensure minimal impacts. The Corps may also require mitigation for stream losses. Mitigation requirements added to NWP authorizations help maintain aquatic resource functions and services in watersheds.

How do the new NWPs protect endangered species?

General Condition 19 relates directly to endangered species. The Corps is proposing to modify this general condition to clarify the NWP requirements applicable to the Endangered Species Act. The Corps would make "may effect" or "no effect" determinations on covered species within 45 days of receipt of a complete application for NWP authorization, and notify the permittees of those determinations.

How do the new NWPs protect historic properties?

General Condition 20 relates directly to historic properties. This general condition clarifies the NWP requirements applicable to the National Historic Preservation Act. The Corps would make "no potential to cause effects," "no effect," "no adverse effect," and "adverse effect" determinations on historic properties within 45 days of receipt of a complete application for NWP authorization, and notify the permittees of those determinations.

How do NWPs address cumulative effects to the aquatic environment?

The Corps' district engineers are required to evaluate cumulative adverse effects that occur as a result of activities authorized by the NWPs. To comply with the requirements of the National Environmental Policy Act and Section 404(e) of the Clean Water Act, the Corps evaluates potential

cumulative impacts when it issues the NWPs. Division engineers can suspend or revoke an NWP if the cumulative impacts of that NWP in a district or other geographic area (such as a watershed) would be more than minimal.

Can Corps Districts choose not to use the NWPs, and if so, what happens then?

Corps districts may choose to use other types of general permits instead of the NWPs, especially in cases where it could reduce duplication between the Corps and state government, where the state government has implemented a regulatory program similar to the Corps program. In those cases, regional general permits are used in place of the NWPs to authorize activities with minimal adverse environmental effects. The regional general permits authorize minor activities similar to those authorized by the state regulatory program, which helps to reduce duplication.

How do the proposed nationwide permits protect streams?

Several of the proposed nationwide permits limit the length of stream that can be filled or excavated to 300 linear feet. The 300 linear foot limit currently applies to perennial, intermittent, and ephemeral streams. If the Corps determines that the impacts are minimal, the 300 linear foot limit can be waived for intermittent and ephemeral streams. We are proposing to require agency coordination if an applicant is seeking NWP authorization to fill or excavate more than 1,000 linear feet of intermittent and ephemeral stream.

You say that the NWPs are for activities that have minimal impacts to the aquatic environment yet you are proposing to reissue NWP 21, which permits surface coal mining. Why?

To make a fully informed decision, we are seeking comment on three options concerning NWP 21. The Corps preferred option is to reissue NWP 21 with a 1/2 acre limit, including a 300 linear foot limit for filling or excavating stream beds and a prohibition against using the NWP to authorize the construction of valley fills. Another option is to reissue NWP 21 with a 1/2 acre limit, including a 300 linear foot limit for filling or excavating stream beds. The third option is to not reissue NWP 21. We will carefully review the comments received on these three options.

Has the Corps coordinated these changes with other federal agencies?

Yes. USACE coordinated with the U.S. Environmental Protection Agency, U.S. Fish and Wildlife Service, National Marine Fisheries Service, U.S. Department of Transportation, Office of Management and Budget, the President's Council on Environmental Quality, and others.

CHANGES TO NATIONAL WETLAND PLANT LIST

—Joseph M. McMullen

The Notice announcing the proposed changes to the wetland indicator status rankings of plants listed in the National Wetland Plant List (NWPL) was published in the Federal Register on January 6, 2011. The actual list, proposed indicator status rankings, and other information are available at the following web site: <https://rsgis.crrel.usace.army.mil/apex/f?p-703>. There was a 60-day comment period on the proposed rankings, which ended on March 7, 2011.

According to the Notice, comments received through the web-based system will be compiled and tracked. Regional Panels and the National Panel will review all comments and develop the final regional lists. For species without general agreement, the National Panel will assign rankings following a specified protocol. According to Bob Lichvar, this will involve a few professional botanists to be available at a meeting with the National Panel to provide input on species habitat, literature, and field knowledge.

Then, the final NWPL will be developed. The list will be adopted through a Memorandum of Agreement with signature by the Corps and the four involved federal agencies. Notice of the final NWPL will be published in the Federal Register along with the web address. In the future, it is anticipated that annual reviews and updates to the NWPL will be performed.



2011 ANNUAL CONFERENCE AND MEETING

CROWNE PLAZA RESORT & GOLF CLUB, LAKE PLACID, NEW YORK • APRIL 13 & 14, 2011

Name: _____ Affiliation: _____

Address: _____ City: _____ State: _____ Zip: _____

Phone: _____ Fax: _____ Email: _____

ATTENDEE REGISTRATION (Pre-registration must be received by April 1. *All on-site registration is \$150.*)

Registration fee includes: continental breakfast, breaks, lunch, mixer (Wednesday, April 13), workshop materials, and field trips.

- Full Time Student (with valid School ID) - **\$50** Full Time Student (submitting poster) - **FREE** \$ _____
- Speakers - **\$100** NYS Wetlands Forum Members - **\$120** \$ _____
- All Others - **\$135** Pre-registration plus NYS Wetlands Forum Membership - **\$155** \$ _____

DINNER April 13 Evening Dinner (check if vegetarian meal requested) - **\$35** \$ _____

NYSWF 2011 MEMBERSHIP

(Membership benefits include: conference discounts, NYSWF newsletter subscription, personal invitations to meetings and member-only events, and access to member-only section of web site.)

One-Year Forum Membership - **\$35** \$ _____

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