

Regulatory Concerns

- Regulatory and Restoration:
 - Communication and consistency
- The Lost Wetlands:
 - how do thousands of permits impact wetland loss in New Orleans district?
- Recommendations for Public Notice
- abbreviated

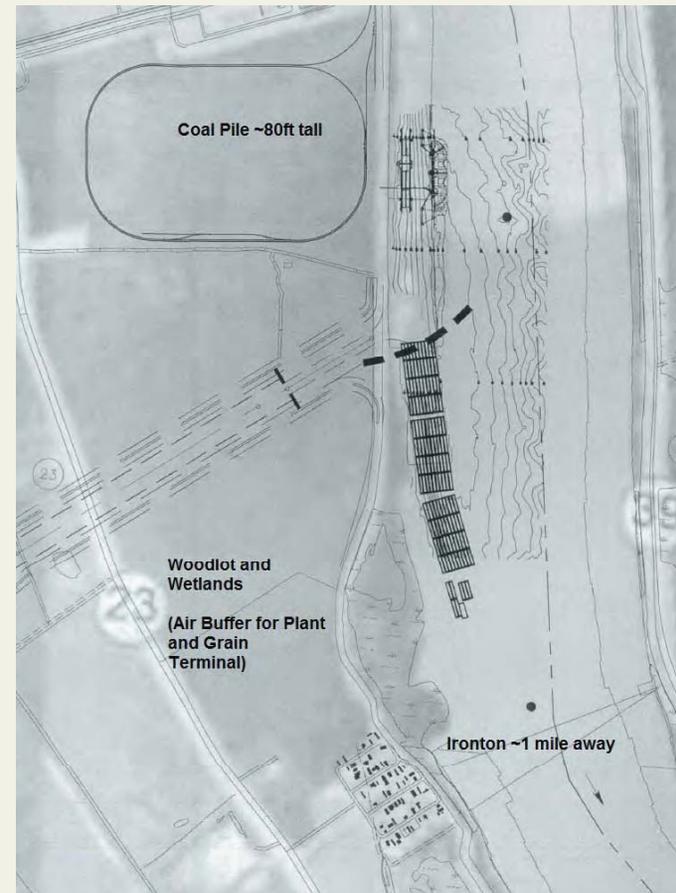
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USACE NGO
25th Sep 2012

Regulatory and Restoration

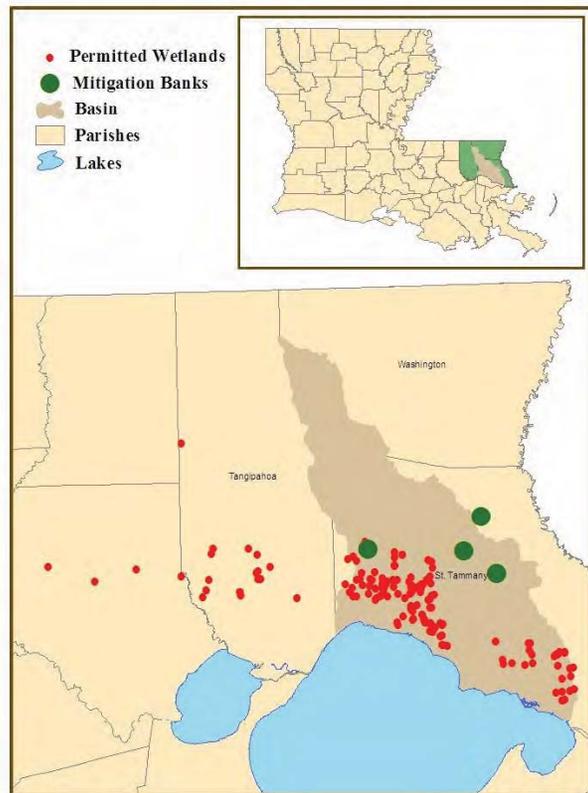
- Coal Terminal
Co-located with
Diversion
- RV park on MRGO
marsh restoration
site



The Lost Wetlands

- Lack of accounting
 - *Lack of impacts, location in final actions*
- In 2011, 1900+ final actions (1100+ permits issued)
 - *There's a lot going on*
- Public must rely on public notices for impacts
 - *Only one tenth to one fourth of permits are noticed*
 - *Not the final action, but 90 acres up this month*
 - *No purpose, indirect impacts or cumulative impacts*

Cumulative impacts



[Abbey Anne Tyrna LSU 2008](#)

“[From 2002-2005 in St Tammany Parish, based on HGM method] The mitigation ratios used to calculate functional performance showed a **functional loss of 2,505 acres (1,014 ha).**”

“The three months spent to collect 46 percent of the original data set proved **the process to be extremely inefficient.**”

“The results of this study prove that professional judgment is not working”

Changes to the Public Notice

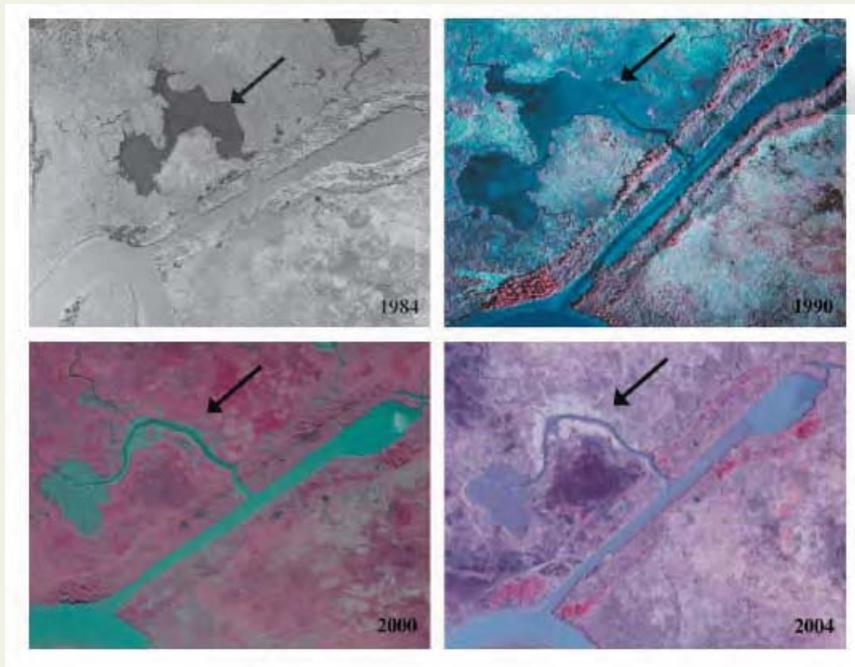
- Regulatory and Restoration:
 - Does the permit concern a restoration project
- The Lost Wetlands
 - Show the work (purpose, avoidance and minimization)
 - Standardized location or watershed
 - List these with impact and mitigation in final action report

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Regulatory Concerns



Thank You

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Lost Wetlands

–2012 2 months of notices

- Table here 100 acres? Most < 1 acre
- By parish, not watershed

Lost Wetlands

–2012 2 months of notices

- Final Action reports do not include locations or acreages –information must be reconstructed from Notices, although they are not final
- No Project Purpose
- Avoidance, Minimization, usually not described (we assume they have been completed)
- Mitigation not described well (usually a choice between mitigation banks)
- Most are small direct impacts
- Rarely are any indirect impacts listed
- No accounting for cumulative impacts on a watershed basis
- Location information is in a haphazard format
- 7 permits a week

Science vs. regulatory action

- Indirect impact of dredging canals and installing roads
 - Not accounted for, not considered
- Prominent in scientific literature as a largest single cause of wetland loss (Penland et al 2000)
- Appropriate Hydrology is a *sine qua non* of Wetland Ecosystems (Mitch and Gosselink, 2001)
- Historical correlation with canals and oil extraction and loss
- Spoil bank hydrological influence for ~1mile
- Canal leads to bank sloughing –the 3rd dimension to part of “erosion” –MRGO
 - 6% of CWPPRA funds to channel sloughing erosion. 21, 821 acres of Deltaic land loss 1932-1990

There needs to be some accounting for the measure of impact to surrounding wetlands of dredging

- (10%) percent of the acreage of wetland in 1 mile buffer impacted 10% over the 5-20 years of the general or standard permit

-use EPA’s metrics of the benefit of backfilling spoil banks.

General Permits

- Death by one-thousand cuts
- Hundreds of small impacts (GP-22.1)
[slide of wheelwashing GIS / SONRIS]
- Scientific literature assigns a large indirect impact to these wheelwashings, difficult for regulatory to quantify, so left at zero
 - A form of active 'coastal erosion'
 - Enlarges the tidal prism
- What about "temporary" Roads? (GP-13)

Regulatory Concerns

- Regulatory and Restoration:
 - Communication and consistency

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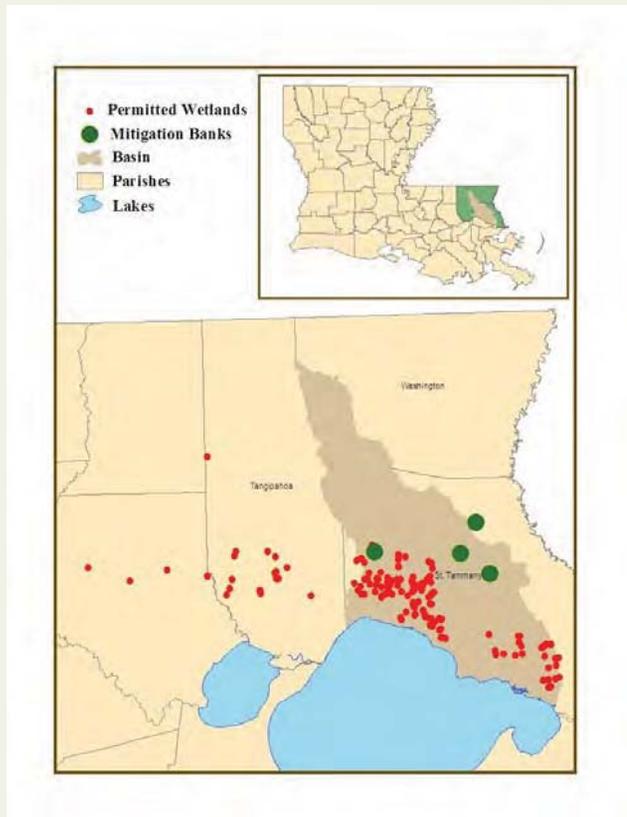
- The Lost Wetlands: difficult to evaluate impacts of permitting actions
 - Lack of location or watershed
 - Lack of impact in final action

Coastal
Wetland
Specialist

- Indirect Impacts not listed
- Cumulative impacts not assessed

USACE NGO
30th Aug 2012

Mitigation: lost in the shuffle



“[From 2002-2005 in St Tammany Parish, based on HGM method] The mitigation ratios used to calculate functional performance showed a functional loss of 2,505 acres (1,014 ha).”

“The average mitigation ratio for the sample when taking habitat quality into account was 2.42:1, requiring 1.31 more acres of mitigation for every one acre of wetland impacted then currently implemented. “

“The results indicate that the original habitat quality of the banks was not considered when calculating the mitigation ratios. “

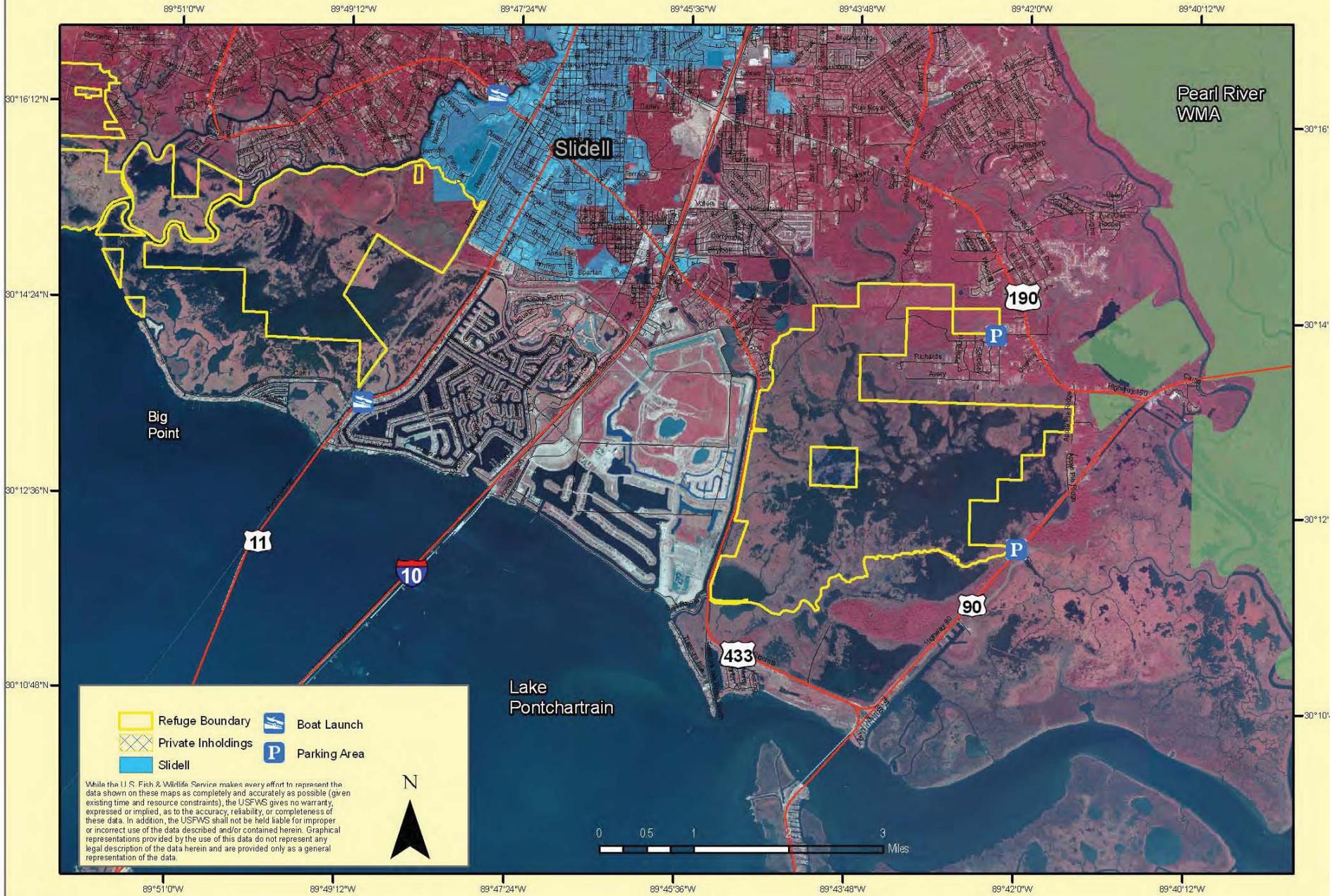


U.S. Fish & Wildlife Service

Big Branch Marsh National Wildlife Refuge

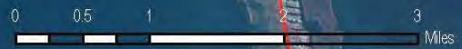
St Tammany Parish, Louisiana

Map 2 of 2



- Refuge Boundary
- Private Inholdings
- Slidell
- Boat Launch
- Parking Area

While the U.S. Fish & Wildlife Service makes every effort to represent the data shown on these maps as completely and accurately as possible (given existing time and resource constraints), the USFWS gives no warranty, expressed or implied, as to the accuracy, reliability, or completeness of these data. In addition, the USFWS shall not be held liable for improper or incorrect use of the data described and/or contained herein. Graphical representations provided by the use of this data do not represent any legal description of the data herein and are provided only as a general representation of the data.





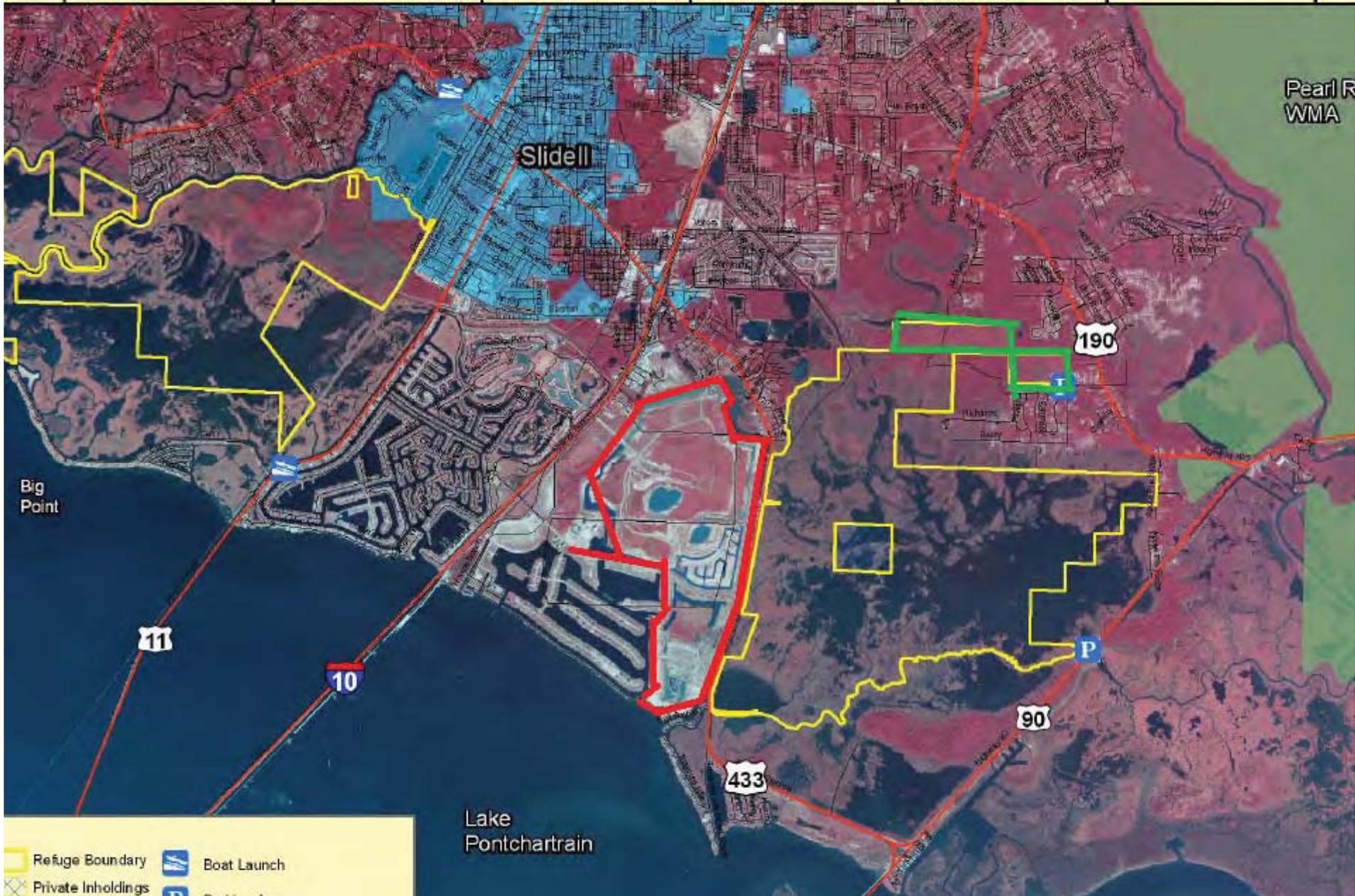
U.S. Fish & Wildlife Service

Big Branch Marsh National Wildlife Refuge

St Tammany Parish, Louisiana

M

89°51'0"W 89°48'12"W 89°47'24"W 89°45'36"W 89°43'48"W 89°42'0"W 89°40'12"W



- Refuge Boundary
- Private Inholdings
- Boat Launch
- Point of Interest

Wetland Mitigation Banks	Average Mitigation Ratio Implemented by the NOD	Average Mitigation Ratio Required for NNL	Mitigation Required for NNL (ac)	Mitigation Provided by Bank (ac)	Functional Wetland Loss (ac)
Abita Creek	1.0:1	2.3:1	766	321	455
Bayou Lacombe	1.3:1	1.6:1	1487	1152	335
Lake Ramsay	1.0:1	3.1:1	488	160	328
Money Hill	1.2:1	2.6:1	2310	913	1397
TOTAL	-	-	5051	2546	2505

General Permits

- What we don't see
 - “temporary” for twenty years
 - transition into after the fact standard permits
- Geographic information by DEQ sub-basin would assist evaluation of cumulative impacts



Habitat Quality	Index Value	Number of Permits	Total Acreage	Percentage of Total
Low	0.1	4	58.5	2.5
low to moderate	0.2	17	323.9	14
low to good	0.3	0	0	0
low to high	0.4	1	26.2	1.1
Moderate	0.5	44	538.6	23.3
moderate to good	0.6	20	288.8	12.5
moderate to high	0.7	21	471.4	20.4
Good	0.8	12	145	6.3
good to superior	0.9	1	42	1.8
High	1	12	216.2	9.4
not indicated in permit		20	197.9	8.6

Table 9. The range of mitigation ratios used by states to calculate the number of compensatory mitigation acres required to offset wetland loss under the Section 404 permit program.

Mitigation Ratios	Mitigation Ratio Description	Ratio Based On	Established By	State	Required	Source
1.5:1 - 20:1	Range for creation, restoration, enhancement, and preservation	mitigation type, level of risk and length of time to establish wetland functions	Washington Department of Ecology	Washington	No (general guidelines)	Johnson et al. 2000. Washington State Wetland Mitigation Evaluation Study, Phase I: Compliance.
1:1 - 3:1	Range for creation, restoration, enhancement, and disturbed cropped wetlands	mitigation type and impacted wetland acreage	The Mitigation Banking Guidebook Committee	Oregon	No (general guidelines)	The Mitigation Bank Guidebook Committee. 2000. Wetland Mitigation Banking Guidebook for Oregon.
1.5:1 - 3:1	Range for all off-site mitigation types established as a rule. Ratio is dependent on impacted wetland assigned quality rating ranging from 1-3.	the assigned habitat quality category of the impacted wetland	Ohio Environmental Protection Agency	Ohio	Yes	Ohio EPA. 2003. 3745-1-54 Wetland antidegradation.
1.5:1 - 60:1	Range for creation, restoration, enhancement, and preservation	professional judgment based on the habitat type, quality of the wetland impacted, the wetland functions being performed, and the ability of the mitigation to offset those functions	Florida Department of Environmental Protection and COE	Florida	Yes	OPPAGA. 2000. Policy Review: Wetland Mitigation
1:1 - 4.5:1	Range for emergent; farmed; scrub-shrub to emergent; forested to emergent; forested to scrub-shrub; scrub-shrub; forested; and emergent, scrub-shrub and forested of special state concern	type of vegetation conversion and whether mitigation is established within a bank	Maryland Department of the Environment	Maryland	Yes	MDE. 2002. Regulations: Mitigation.
1:1 - 15:1	Bog, tidal, forested, undeveloped tidal zone, and other jurisdictional wetlands	habitat type and mitigation type	New Hampshire Department of Environmental Services	New Hampshire	Yes	New Hampshire DES. 2008. Environmental Fact Sheet.
1.5:1	Standard compensation ratio	acreage	Wisconsin DNR, USACE-St Paul District, EPA-Region V, USFWS	Wisconsin	No (general guidelines)	Wisconsin DNR, USACE-St Paul District, EPA-Region V, USFWS. 2002. Guidelines for Wetland Compensatory Mitigation in Wisconsin.

Lost Wetlands –2011 year totals

Closure Method	Total
Grandfathered	2
Issued With Special Conditions	1142
Issued Without Special Conditions	18
Modification Approved	2
Permit Modified	91
Permit Not Modified	9
Verified With Special Conditions	214
Verified Without Special Conditions	3
Withdrawn To Become A General Permit (RGP, PGP, NWP)	70
Withdrawn To Become A General Permit (RGP, PGP)	2
Withdrawn To Become A Letter Of Permission (LOP)	2
	1555 of 1923