

# **Wetlands and Subaqueous Lands Section**

**Virgil Holmes – Section Manager**

# WSLS Staff

- Section Manager 1
- Program Manager 1
- Environmental Scientists 5 1/2
- Administrative Assistants 2

# Waters Regulated by State

- Tidal waters (up to the mean high water line).
- Non-tidal waters “rivers, streams, lakes, ponds, bays and inlets” (up to the ordinary high water line).
  - In practice, State jurisdiction in non-tidal streams typically includes perennial (always wet) and intermittent (seasonally wet) watercourses.

# Wetlands Regulated by State

- Mapped tidal wetlands (1988 photography).
- Mapped non-tidal wetlands of 400 or more contiguous acres not used for agricultural purposes in 1973.
- Mapped impounded wetlands that have been connected to tidal waters within the last century.

# State vs Federal Jurisdiction

- All waters and wetlands regulated by the State are also regulated by COE (with few exceptions).
- State geographical jurisdiction is limited. Most activities in State mapped wetlands are regulated.
- Federal geographical jurisdiction is much broader. Fewer activities in those wetlands are regulated.

# State vs Federal Determinations

## ■ State

- Wetland maps identify the limits of State jurisdiction.
- On site verifications are made by WSLS staff.
- Wetland consultants assist with on site verifications.

## ■ Federal

- Wetland maps are not available to identify the limits of federal jurisdiction.
- Wetlands are typically delineated by a wetland consultant using the 1987 Wetland Delineation Manual.
- Delineations are typically submitted to and reviewed by the COE.

# Minimizing Duplicate Efforts with COE

- **State Programmatic General Permits**
  - SPGP-18 for activities in substantially developed artificial tidal lagoons
  - SPGP-20 for construction of new and maintenance of existing non-commercial structures
- **Nationwide Permits**
- **Water Quality Certifications – Waivers of WQC**
- **Joint Permit Processing Meetings**
- **Joint Enforcement Actions**

# Maximizing State Efficiency

- Letters of Authorization – Abbreviated process for categories of activities with minimal adverse impacts.
  - SAA for the repair or replacement of existing structures
  - SAA for activities in lagoons
  - SAA for shoreline stabilization (new 2013)
- Waivers – life threatening emergencies, public safety and imminent loss of major infrastructure. (new 2013 for wetlands)
- Special Exemptions
- After the Fact Permits (new in 2013)
- Administrative Penalties (new in 2013)