Mitigation of Ditches and Altered/Modified Streams

May 22, 2014
Association of State Wetland Managers
Stream Work Group Webinar
Introduction

Jeanne Christie,
Association of State Wetland Managers
Welcome!

If you have any technical difficulties during the webinar you can send us a question in the webinar question box or call Laura at (207) 892-3399 or e-mail her at laura @aswm.org during the
Introduction – Jeanne Christie, ASWM [View Webinar]

Special Topics: Mitigating For Impoundments

Presentation of research on the impacts of impoundments on water quality

Followed by panel presentations by:

- Robby Baker, Tennessee Department of Environment and Conservation
- David Goerman, Pennsylvania Department of Environmental Protection
- Stacia Bax, Missouri Department of Natural Resources
- Rusty Wenerick, South Carolina Department of Health and Environmental Control

Part 1: Introduction, Jeanne Christie, ASWM

Part 2: Robby Baker, Tennessee DEC

Part 3: David Goerman, PA DEP

Part 4: Stacia Bax, MO DNR

Part 5: Rusty Wenerick, SC DHEC

Part 6: Questions & Answers
Stream Mitigation

This webpage provides information on stream identification, delineation and mitigation in the United States. On this page, you will find an overview of stream-related issues, pertinent regulatory documents, examples of state stream mitigation programs and mitigation banks, links to guidance documents (including procedures and protocols) and other useful information, such as links to tools and techniques, valuation information, and a glossary of stream mitigation terms.

In 2014, ASWM completed a national study on stream identification, delineation and mitigation in the United States. The project interviewed state staff from 47 states.

To read the executive summary from the report (Link to be added). To download the full report, entitled, Report on State Definitions, Jurisdiction and Mitigation Requirements in State Programs for Ephemeral, Intermittent and Perennial Streams in the United States, click here.
Report on State Definitions, Jurisdiction and Mitigation Requirements in State Programs for Ephemeral, Intermittent and Perennial Streams in the United States

April 2014
Future Schedule

Thursday, June 19
2:00 p.m. eastern
Final Report
Today’s Moderator

Brenda Zollitsch,
Association of State Wetland Managers
Mitigation of Ditches and Altered/Modified Streams

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Mitigating for Ditches and Altered/Modified Streams

Webinar Overview

2:00 pm  Welcome and Introductions;  Webinar Overview

2:10 pm  Setting the Stage:  ASWM’s Stream Report
          * Findings on Ditches and Altered/Modified Streams

2:15 pm  Introduction of Panelists and Panel Questions
          Panel Presentations
          * New Jersey – Susan Lockwood and Vincent Mazzei
          * Virginia – Bettina Sullivan
          * Tennessee – Vena Jones

3:00 pm  Q&A

3:15 pm  Webinar Ends
Stream Report Findings: Regulation of Ditches

43 states report that they currently regulate at least some ditches

<table>
<thead>
<tr>
<th>May be regulated if...</th>
<th>May not be regulated if...</th>
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<tbody>
<tr>
<td>Actually a stream or former stream</td>
<td>Artificial/manmade</td>
</tr>
<tr>
<td>A conduit of pollutants</td>
<td>Agricultural</td>
</tr>
<tr>
<td>Draining a certain amount/area of water</td>
<td>Not connected to commerce</td>
</tr>
<tr>
<td>Identified as a ditch because it has a defined bed and bank</td>
<td>Non-contiguous</td>
</tr>
<tr>
<td>Downcut to groundwater</td>
<td>All on one property</td>
</tr>
<tr>
<td>Contains food fish</td>
<td>Made of waters that are absorbed or used up onsite/internally-draining</td>
</tr>
<tr>
<td>Able to sustain obligate lotic species</td>
<td>Used for stormwater conveyance/wastewater</td>
</tr>
<tr>
<td>Contains standing or flowing water</td>
<td>Designed for the purpose of erosion control</td>
</tr>
<tr>
<td>Subject to maintenance exemptions</td>
<td>An upland ditch</td>
</tr>
<tr>
<td>Regulate all/almost all ditches</td>
<td>Non-Corps JD</td>
</tr>
<tr>
<td>Regulate some ditches</td>
<td>Regulated at another level (regional, county)</td>
</tr>
<tr>
<td>Regulate only if a ditched stream</td>
<td>Unknown/State not in study</td>
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</table>
Not surprisingly...

More Questions than Answers about Ditches

• What is a ditch?
• What about altered/modified streams?
• Ditch is “just a colloquial term”
• A ditch is regulated only if it used to be a stream...
• Exemptions, exceptions and gray areas
• How do you mitigate for an impact to a ditch?
• Do you mitigate for one ditch with another?
Questions Posed to Panelists

• Is mitigation required for ditches and altered/modified streams in your state?

• How are these waterbodies defined in your state?

• Do you distinguish between ditches and highly degraded streams? If so, how? If not, why not?

• What is required to be mitigated for these waterbodies?

• What counts as mitigation for these waterbodies?

• Are there any specific challenges associated with mitigating for these waterbodies?
Susan Lockwood has worked for the New Jersey Department of Environmental Protection for 30 years. She is currently the Supervisor of the Mitigation Unit in the Division of Land Use Regulation overseeing wetland and riparian zone mitigation.

Vince Mazzei, PE, has worked for NJDEP for 26 years. He graduated from Stevens Institute of Technology with a bachelor’s in civil engineering in 1988 and is a licensed professional engineer in New Jersey and Pennsylvania. He is the author of NJ’s Flood Hazard Area Control Act rules, which establish statewide design and construction standards for development within flood hazard areas and near surface waters.
Bettina Sullivan
Virginia

- Stream and wetland restoration specialist
- Virginia Department of Environmental Quality
- She has been with the department for 12 years in various roles
- Currently manages all of the mitigation banks in Virginia and provides policy and technical support to Central Office and Regional staff on compensation issues
Vena Jones
Tennessee

Environmental Consultant, Natural Resources Unit, Tennessee Department of Environment and Conservation

Lead staff responsible for statewide review of stream focused compensatory mitigation projects, the creation of 401 focused policy and stream mitigation guidance.
Changing over to New Jersey – Susan Lockwood and Vincent Mazzei’s Presentation...
Questions/Discussion
Thank You for Participating!