

# Data Management for Assumption of State and Tribal 404 Programs

**Andy Robertson**  
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GeoSpatialServices



# CWA §404 Dredge and Fill Authority

Section 404 of the Clean Water Act establishes a program to regulate the discharge of dredged and fill materials into Waters of the United States.

1. Traditionally navigable waters (TNW)
2. Perennial and intermittent tributaries of TNW
3. Lakes, ponds or impoundments of TNW
4. Wetlands that:
  - Physically touch other jurisdictional waters
  - Separated by only a natural berm, bank or dune
  - Inundated by flooding in a typical year
  - Have a direct hydrological connection to other TNW

# 2020 Navigable Waters Protection Rule

*“The Navigable Waters Protection Rule protects the environment while respecting states, localities, tribes, and private property owners. It clearly delineates where federal regulations apply and gives state and local authorities more flexibility to determine how best to manage waters within their borders.”*

At the same time...

*“Assertions have been made that the new rule will reduce jurisdiction over thousands of stream miles and millions of acres of wetlands. These assertions are incorrect because they are based on data that is too inaccurate and speculative to be meaningful for regulatory purposes.”*

EPA Overview of the Navigable Waters Protection Rule - 2020

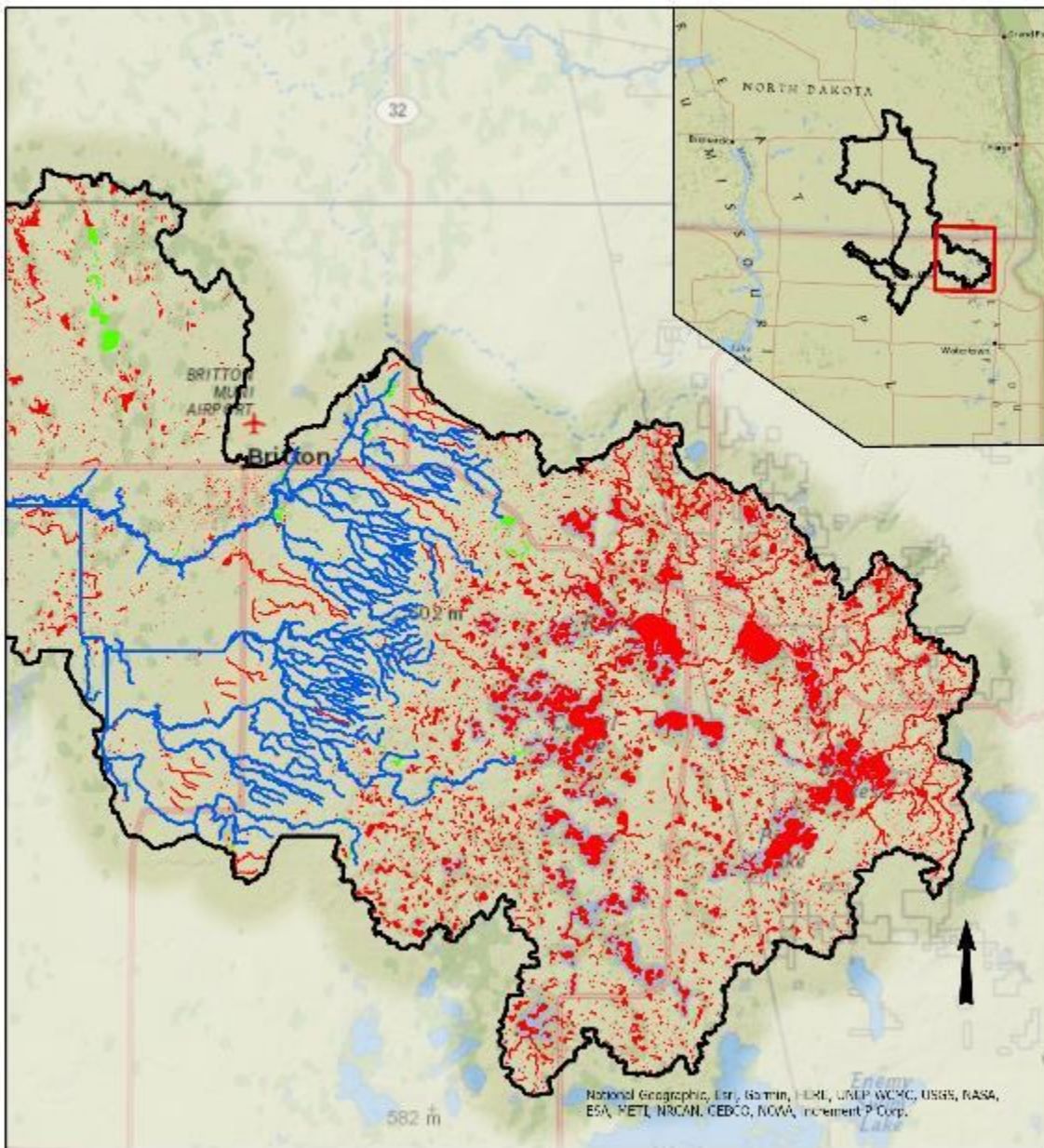
# CWA §404 Assumption by States and Tribes

Despite “simplifications,” implementation of the final requires:

1. Technical knowledge to support determinations
2. The use of technical experts to provide analyses
3. Use of advanced tools
  - Mapping
  - Models
  - Datasets
  - Other technologies to support this work

# DATA

# Jurisdictional Wetland Modeling Results for the Upper James River Watershed in SD and ND

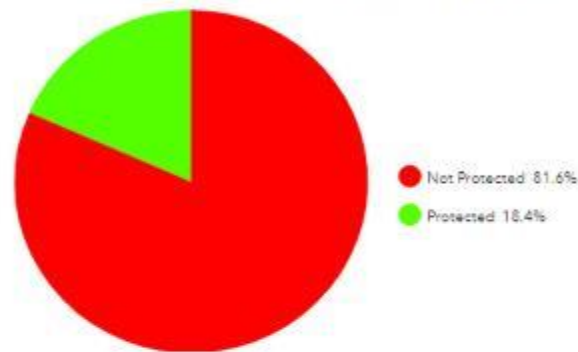


## Watershed Modeling Results

Total NWI wetland acres: 340,374

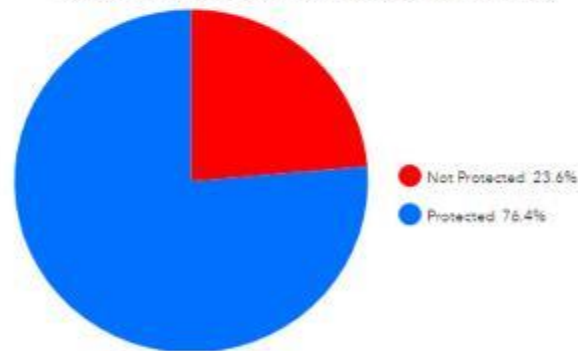
Total kilometers of NHD flowlines: 4,607

2020 Rule Protected and Non Protected Wetland Acres



Percent of total wetland acres

2020 Rule Protected and Non Protected NHD Flowlines

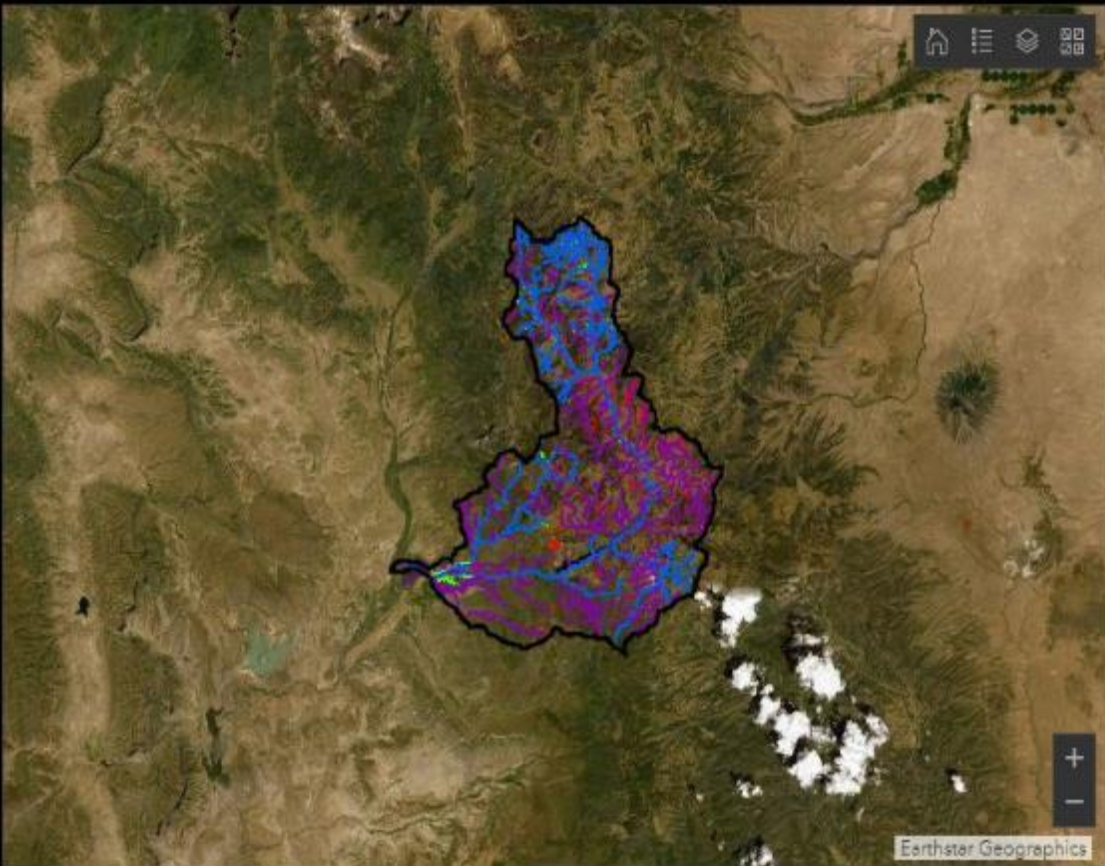


Percent of total kilometers

### Legend

- Watershed Boundary
- NHD Flowlines Not Protected
- NHD Flowlines Protected
- NWI Wetlands Not Protected
- NWI Wetlands Protected

# Chavez Creek Watershed, NM Jurisdictional Wetland Modeling Results



Wetland Acres  
**8,241**



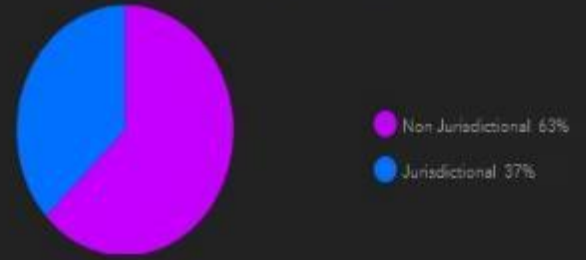
Wetland Count  
**3,949**

2020 Rule Protected and Non Protected Wetland Acres



Percent of total wetland acres

2020 Rule Protected and Non Protected NHD Flowlines



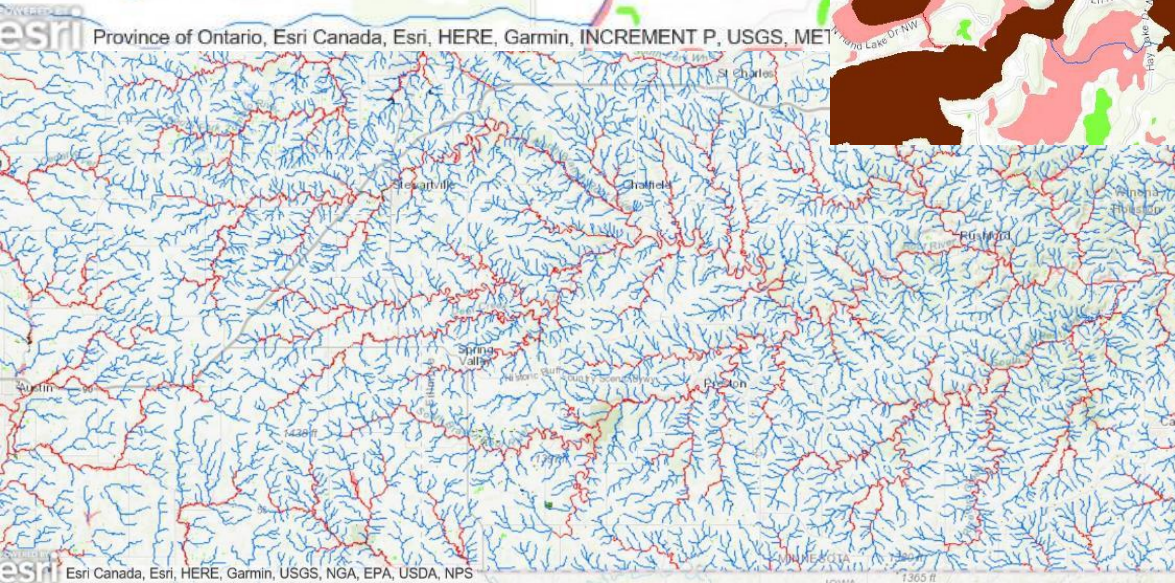
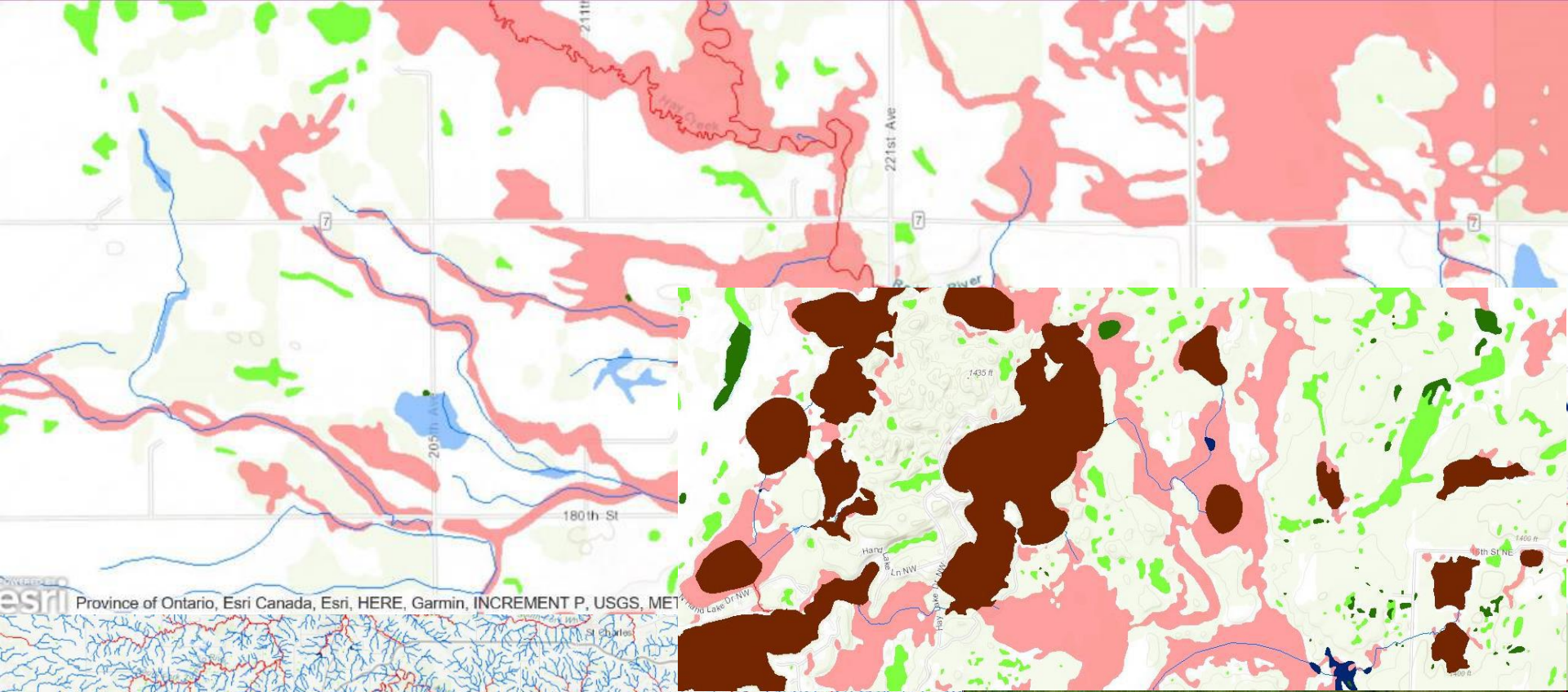
Percent of total kilometers

# Today's Presenters

Anne Garwood, Michigan Department of Environmental Quality

Heather Mason, Florida Department of Environmental Protection

Eric Metz, Oregon Department of State Lands



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