

# 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](mailto:laura@aswm.org) during the



Thursday, April 17, 2014 – 2:00 p.m. EST

**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 I: 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



### In the News:

- West Antarctic Ice Sheet's Collapse Triggers Sea Level Warning
- EPA Announces \$335k Available for Integrated Planning
- CA: Los Cerritos Wetlands cleaning up after inferno
- Space shuttle metals fell into Merritt Island National Wildlife Refuge
- Experts warn Tasmania's wetland birds face 'wipe out'
- Wetland Breaking News - Current Issue

#### Main Menu

- ◆ Join/Renew
- ◆ Donate
- ◆ Wetlandkeepers Initiative
- ◆ Volunteer
- ◆ Sign Up for WBN
- ◆ Sponsor WBN
- ◆ Latest News
- ◆ Compleat Wetlander
- ◆ Note from Board Chair
- ◆ Welcome Letter
- ◆ Message from the Founder
- ◆ Contact Us

## 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.



Photo Credit: Tahoenathan

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](#).

#### Wetland Programs Menu

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- ◆ State Programs
- ◆ Wetland Program Plans
- ◆ 404 Assumption
- ◆ 401 Certification
- ◆ PGPs
- ◆ Mitigation
- ◆ - In Lieu Fee
- ◆ - Stream Mitigation
- ◆ Water Quality Standards
- ◆ Sustainable Financing
- ◆ Dredge & Fill Permitting
- ◆ Improving Permitting

#### Login Required:

- ◆ States & Tribes
- ◆ 404/ECOS Workgroup

#### Hot Topics

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**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

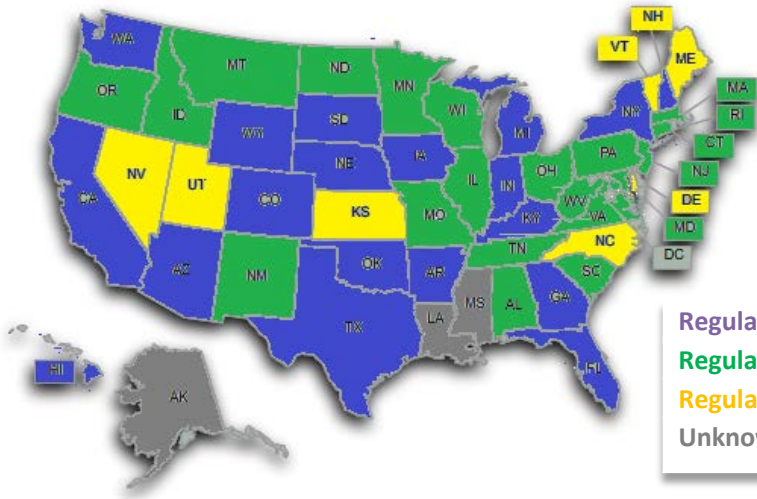
- |         |   |
|---------|---|
| 2:00 pm | Welcome and Introductions; Webinar Overview   |
| 2:10 pm | Setting the Stage: ASWM's Stream Report<br><i>Findings on Ditches and Altered/Modified Streams</i>  |
| 2:15 pm | Introduction of Panelists and Panel Questions<br>Panel Presentations<br>* New Jersey – Susan Lockwood and Vincent Mazzei<br>* Virginia – Bettina Sullivan<br>* 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

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



Regulate all/almost all ditches  
 Regulate some ditches  
 Regulate only if a ditched stream  
 Unknown/State not in study

*Not surprisingly...*

# More Questions than Answers about Ditches



Report on State Definitions, Jurisdiction and Mitigation Requirements in State Programs for Ephemeral, Intermittent and Perennial Streams in the United States

April 2014

- 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?



# New Jersey

**Susan Lockwood**



**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.

**Vincent Mazzei**



**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!

