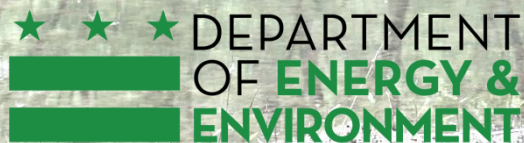


# DRAFT DISTRICT WETLAND AND STREAM REGULATIONS



GOVERNMENT OF THE  
DISTRICT OF COLUMBIA  
MURIEL BOWSER, MAYOR

# OUTLINE

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- What is a wetland?
- What is a stream?
- History of District wetlands
- Overview – District wetlands and streams
- Wetland Registry
- Why regulations are necessary
- Proposed permitting requirements
- What would change
- Next Steps





# WHAT IS A WETLAND?

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# WHAT IS A WETLAND?

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## **USACE Definition:**

“Wetlands are areas inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstance do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.”





# AQUATIC RESOURCE FUNCTIONS

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- Water quality
- Wildlife habitat
- Groundwater recharge
- Shoreline erosion protection
- Floodwater storage
- Retention, assimilation, and transformation of nutrients and pollutants
- Riparian buffers
- Stream baseflow



# WHAT IS A STREAM?

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# HEADWATER STREAMS

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## EPHEMERAL AND INTERMITTENT STREAMS

- Individually or cumulatively exert a strong influence on the biological, chemical, and/or physical integrity of downstream waters



# HISTORY OF WETLANDS IN THE DISTRICT

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# HISTORY OF WETLANDS IN THE DISTRICT

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# 2020 Status of District Wetlands

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- 289 acres, 291 individual polygons
- Over 92% located within 500 feet or less of development
- 76% <0.5 acre in size and 66% <0.25 acre in size
- 169 acres tidal, 120 acres non-tidal
- 114 acres forested, 7.6 acres scrub shrub, 144.6 acres emergent, 22.8 acres unconsolidated bottom
- 74% on NPS land



# WHY REGULATIONS ARE NECESSARY

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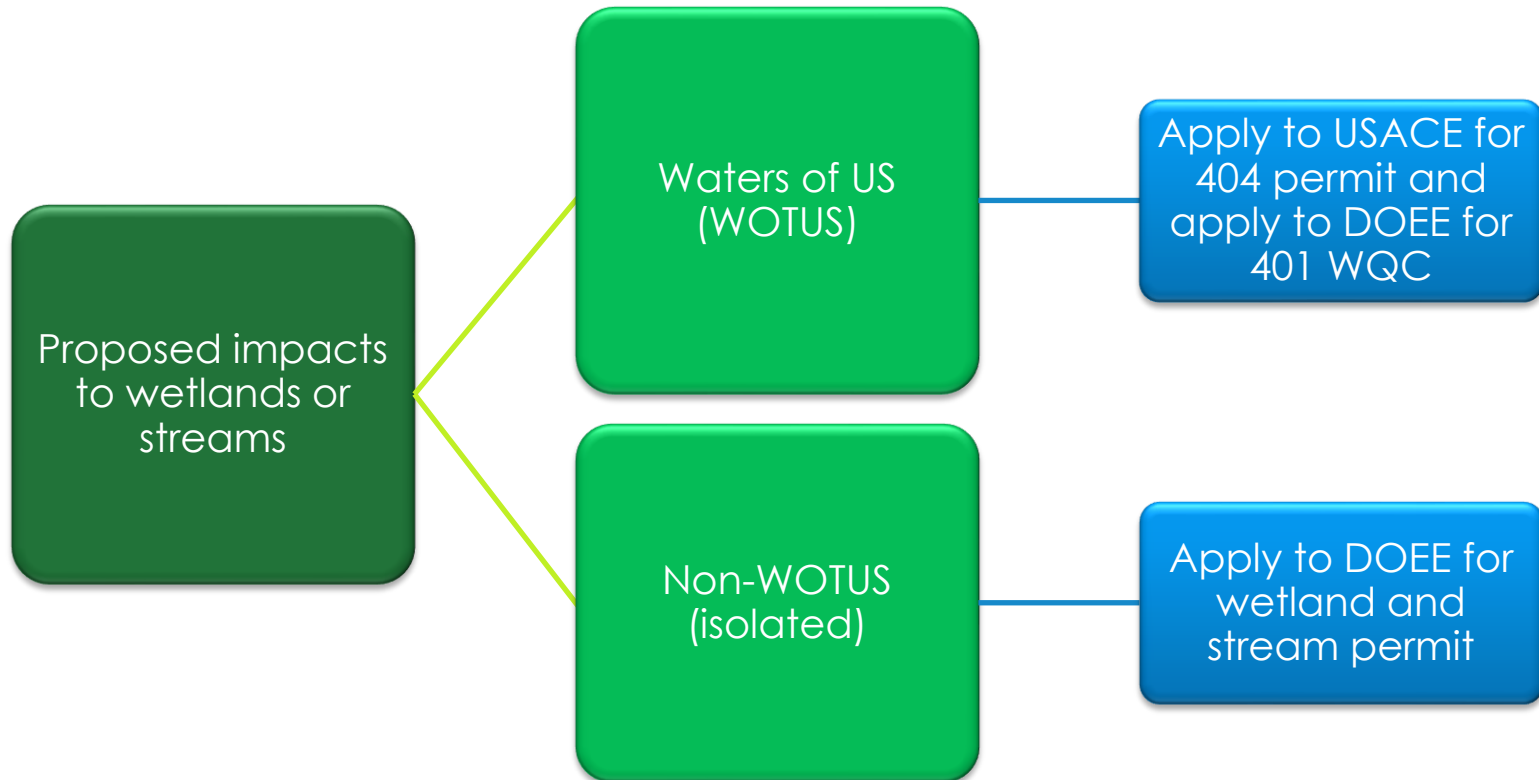
- Critical Areas under Fisheries and Wildlife Omnibus Act of 2016
- Mayor required to develop regulations to protect critical areas
- Provide clarity and transparency to regulated community
- Level of protection similar to neighboring Chesapeake Bay states





# PROPOSED PERMITTING REQUIREMENTS

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# PROPOSED APPLICATION REQUIREMENTS: WHAT WOULD CHANGE?

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## NO CHANGE

- USACE JPA form (MD)
- Project description
- Impacts table/description
- Wetland and stream delineation report
- Jurisdictional determination
- Alternatives analysis
- Mitigation plan

## NEW FOR WQC/WSP

- Apply through stormwater database
- Completeness checklist
- Functional assessments
- Water dependency analysis
- Review fees



# WHAT WOULD CHANGE?

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## Water dependency analysis

- Provide justification that impacts require access to water for basic project purpose
- Review method same as USACE
- All wetlands and streams designated critical areas



# WHAT WOULD CHANGE?

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## Mitigation

- Ratios higher than Army Corps, similar to MD
- Permittee-responsible preferred
- Pay into in-lieu fee for projects under size threshold





# WHAT WOULD CHANGE?

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## Wetlands of Special Concern

- Similar to MD wetlands of special state concern
- Unique areas containing ecologically significant communities or habitat
- Higher mitigation ratios
- Nearly all located on NPS land
- Identified in Wildlife Action Plan as Conservation Opportunity Areas



# WHAT WOULD CHANGE?

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## Fees

- Initial application - based on size, and project type
- Additional fees based on complexity of project and final impacts
- Minor and major modifications





# WHAT WOULD CHANGE?

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- Guidance document
- Updated DOEE website
- Wetland Registry
- Apply online
- In-lieu fee payment for small projects
- Fees paid online
- Clarification and transparency



# NEXT STEPS

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- Gather informal feedback from multiple stakeholder groups
  - Please send comments by 4/17/20
  - DOEE to consider comments in refining draft rules
- DOEE to begin public rulemaking process, which includes:
  - Internal approval process
  - Publication of proposed rules in the DCMR
  - Consideration of public comments
  - Ultimately, finalization of rules



# QUESTIONS / COMMENTS?

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**Jennifer Dietzen**

Environmental Protection Specialist

Regulatory Review Division

[Jennifer.dietzen@dc.gov](mailto:Jennifer.dietzen@dc.gov)

202-481-3942



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