

# *Association of State Wetland Managers*

## Low-head Dam Removal: Technical Issues and Considerations for State/Tribal/Federal Review



*Jeanne Christie photo*

**February 9, 2017**

3:00 pm – 5:00 pm Eastern

### **Webinar Moderators**

Jeanne Christie and Peg Bostwick

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.**

# Efforts to Encourage Timely Reissuance of the Permits

*Jeanne Christie, ASWM Executive Director*



## FEDERAL REGISTER

Vol. 81  
No. 105

Wednesday,  
June 3, 2016

Part III

Department of Defense

Department of the Army, Corps of Engineers  
33 CFR Chapter II  
Proposed To Retain and Modify Nationwide Permits, Proposed Rule

# ASWM Actions to Support Timely Publication of the Revised Rule

- Meeting with key OMB staff this summer (ASWM & ACWA)
- Letter to Army from ASWM and ACWA
- Letter OMB from ASWM, ACWA, ECOS
- Discussions with EPA and Corps
- Meetings on Hill with Majority and Minority Staff EPW and T&I
- **February 6 letter to OMB requesting emergency exception on Reissuance of Nationwide Rules to EO delaying effective date for new rules 60 days**

# How to Access Information about ASWM Webinars

The screenshot displays the ASWM website interface. At the top, a blue banner reads "Association of State Wetland Managers - Protecting the Nation's Wetlands." Below this is a navigation bar with tabs for Home, ASWM, I Am..., Wetlands, Science, Wetland Programs, Watersheds, Law, News & Jobs, and Blog. A search bar labeled "Search ASWM" is positioned below the navigation. On the left side, a "Main Menu" lists various options, with "Webinars" circled in green and an arrow pointing to it. Below the menu is a "Member's Login" section with fields for Username, Password, and a "Remember Me" checkbox. The main content area features a large article titled "Corps Publishes Proposal To Reissue and Modify Nationwide Permits in Federal Register" with a detailed text block. To the right of the article is a section titled "ASWM Upcoming Webinars" which lists three events: "NWP Rule Webinar #3: An Interactive Discussion with States and Tribes on Reviewing the Proposed Rule to Reissue the \$404 Nationwide Permits - 7/8/16", "Bottomland Hardwood Restoration - 7/12/16", and "3 Part Webinar on the Soil and Water Assessment Tool (SWAT) - 7/20/16". A link "For a complete list of our upcoming webinars, click here." is provided below the list. Further right is a section titled "ASWM FACEBOOK POSTINGS" featuring a post by Sharon Weaver with a book cover titled "The Wetland Wanderer".

**Association of State Wetland Managers - Protecting the Nation's Wetlands.**

**ASWM Upcoming Webinars**

- **NWP Rule Webinar #3: An Interactive Discussion with States and Tribes on Reviewing the Proposed Rule to Reissue the \$404 Nationwide Permits - 7/8/16**
- **Bottomland Hardwood Restoration - 7/12/16**
- **3 Part Webinar on the Soil and Water Assessment Tool (SWAT) - 7/20/16**

For a complete list of our upcoming webinars, click here.

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**Corps Publishes Proposal To Reissue and Modify Nationwide Permits in Federal Register**

The U.S. Army Corps of Engineers (Corps) is soliciting comments for the reissuance of the existing nationwide permits (NWP), general conditions, and definitions, with some modifications. The Corps is also proposing to issue two new NWP and one new general condition. The Corps is requesting comment on all aspects of these proposed nationwide permits. The reissuance process starts with this publication of the proposed NWP in the *Federal Register* for a 60-day comment period. The purpose of this *Federal Register* document is to solicit comments on the proposed new and modified NWP, as well as the NWP general conditions and definitions.

**ASWM FACEBOOK POSTINGS**

Sharon Weaver

*The Wetland Wanderer*

The Wetland Wanderer: High

**Upcoming ASWM Webinars**

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## Members' Wetland Webinar Series



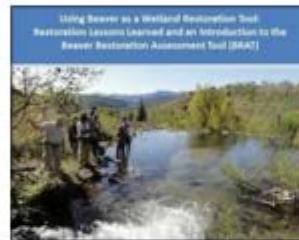
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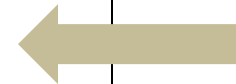


## Hot Topics Webinar Series



Future Webinars

Past Webinars



## Improving Wetland Restoration Success Project



Future Webinars

Past Webinars

## Natural Floodplain Functions Alliance Webinar





Future Webinars

Past Webinars

# Past Nationwide Webinars

Association of State Wetland Managers - Protecting the Nation's Wetlands.



### ASWM Upcoming Webinars

- Hot Topics Webinar: Nationwide Permit Rule Webinar: Low-head Dam Removal, Technical Issues and Considerations for State/Federal Review - February 9, 2017
- WMC Webinar: Recent Updates to the EriovAtlas Tool: Mapping Ecosystem Goods and Services - February 15, 2017
- To watch previously recorded ASWM webinars, click here.
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### Past ASWM's Hot Topics Webinar Series


The Association of Wetland Managers (ASWM) works hard to stay abreast of time sensitive hot topics, including new policies, regulations and trending topics of interest to those involved and/or interested in wetland management and practice. From time to time, these topics do not fit in any of our current webinar series offerings so ASWM started offering a Hot Topics Webinar Series as a way to get important information out quickly to a broad audience. Some of the topics in the past have included the Clean Water Rule, the Ramsar Convention and international projects, complex legal cases, environmental economics and more. These webinars are advertised through our website, newsletters, social media and emails. There is no specific day of the month when these webinars occur. For more information and/or to join our email list for notices about upcoming events, please contact Laura Burchill at laura@aswm.org.



For a list of available past Hot Topics webinar recordings, click here.

Please click on a year below to view past webinars:

- 2017
- 2016
- 2015
- 2014
- 2013
- 2012
- Future Webinars



## 2016

- **Nationwide Permit Rule Webinar #1**  
**The New Nationwide Permit Rule – What You Need to Know**  
**Wednesday, June 8, 2016**
- **Nationwide Permit Rule Webinar #2**  
**Panel on State Processes for Reviewing the Proposed Nationwide Permits and Lessons Learned from States**  
**Tuesday, June 14, 2016**
- **Nationwide Permit Rule Webinar #3**  
**Interactive Discussion with States and Tribes on Reviewing the Proposed Rule to Reissue the §404 Nationwide Permits**  
**July 6, 2016**

## 2017

- **Overview of the Final Rule on Issuance and Reissuance of the §404 Nationwide Permits**
- **Thursday, January 19 2017**

# WE INVITE YOU TO JOIN THE ASSOCIATION OF STATE WETLAND MANAGERS



## **Benefits of Membership (abbreviated):**

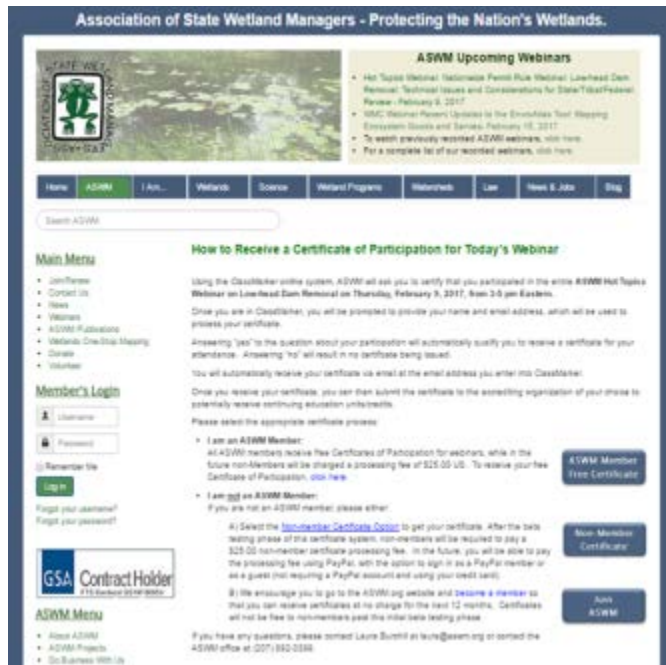
- Free Participation in our Members Only Wetland Webinar Series
- Exclusive access to Member's Webinar recordings\*
- Free Certificates of Attendance for all ASWM webinars\*†
- Free Subscription to the Association's bi-monthly membership newsletter, Wetland News
- Free Subscription to the Association's weekly news bulletin, Insider's Edition
- Reduced Rates for Participation in ASWM Workshops and Training Sessions
- A Sense of Pride Knowing That You Have Directly Supported Active Wetland Conservation Efforts Nationwide
- Corporate group memberships (11-20+ people) also include logo placement on ASWM's website homepage with a live link\*

† Non-members will be charged \$25.00 for each Certificate of Attendance beginning January 1, 2017. <http://www.aswm.org/join-aswm>

- **Opportunity to help us beta test new COA process (no charge for nonmembers)**
- **Today's webinar is being recorded and will be posted under Hot Topics within two weeks.**



# New Process for Receiving Certificates of Attendance (Beta testing)



Association of State Wetland Managers - Protecting the Nation's Wetlands.

**ASWM Upcoming Webinars**

- Hot Topic Webinar: Sedimentation Permit Rule Webinar: Low-head Dam Removal: Technical Issues and Considerations for State/Tribal/Local Review - February 9, 2017
- WSC: Wetland Permit Updates to the ERM/AFSA Tool: Stepping Ecosystem Goals and Services - February 18, 2017
- To watch previously recorded ASWM webinars, visit here.
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**How to Receive a Certificate of Participation for Today's Webinar**

Using the ClassMarker online system, ASWM will ask you to verify that you participated in the entire ASWM Hot Topics Webinar on Low-head Dam Removal on Thursday, February 9, 2017, from 3:0 pm Eastern.

Once you are in ClassMarker, you will be prompted to provide your name and email address, which will be used to generate your certificate.

Answering "yes" to the question about your participation will automatically qualify you to receive a certificate for your attendance. Answering "no" will result in no certificate being issued.

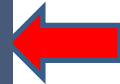
You will automatically receive your certificate via email at the email address you enter into ClassMarker.

Once you receive your certificate, you can then submit the certificate to the executing organization of your choice to potentially receive continuing education credits.

Please select the appropriate certificate process:

- **I am an ASWM Member:**  
All ASWM members receive free Certificates of Participation for webinars, while in the future non-Members will be charged a processing fee of \$25.00 US. To receive your free Certificate of Participation, [click here](#).
- **I am not an ASWM Member:**  
If you are not an ASWM member, please either:  
A) Select the [Non-Member Certificate Option](#) to get your certificate. After the beta testing phase of the certificate system, non-members will be required to pay a \$25.00 non-member certificate processing fee. In the future, you will be able to pay the processing fee using PayPal with the option to sign in as a PayPal member or as a guest (not requiring a PayPal account and using your credit card).  
B) We encourage you to go to the ASWM.org website and [become a member](#) so that you can receive certificates at no charge for the next 12 months. Certificates will not be free to non-members past the initial beta testing phase.

If you have any questions, please contact Laura Burchell at [laura@aswm.org](mailto:laura@aswm.org) or contact the ASWM office at 207-992-0330.



ClassMarker

ASWM Hot Topic Webinar - ASWM Members Only - Low-head Dam Certificate of Participation

Start test

[Start new test](#) ▾

Resume

[Log in and resume](#) ▾

Create login details to start test

Register your details to ensure you can come back and log in and finish this test later if you wish.

Email address:

Create password:

Retype Password:

▸

The link to this web page will also be provided in the 'question box' of Go to Webinar and in a follow-up e-mail sent one hour after the webinar ends.

<http://www.aswm.org/aswm/aswm-webinarscalls/9718-how-to-receive-a-certificate-of-participation-for-today-s-webinar>

# Certificate of Attendance



## ASWM Hot Topic Webinar - ASWM Members Only - Low-head Dam Certificate of Participation

First name

Last name

Email address

[Start Test ▶](#)



## ASWM Hot Topic Webinar - ASWM Members Only - Low-head Dam Certificate of Participation

### Instructions:

- Number of questions: **2**
- Has no time limit
- Will allow you to save and finish at a later date.
- Questions displayed per page: **1**
- Will allow you to go back and change your answers.
- Will not let you finish with any questions unattempted.
- Has a pass mark of: **100%**

Dear ASWM Webinar Participant,

Using the ClassMarker online system, ASWM will ask you to certify that you participated in the entire ASWM Hot Topics Webinar on Low-head Dam Removal on Thursday, February 9, 2017, from 3-5 pm Eastern.

You will be prompted to provide your name and email address, which will be used to process your certificate.

Answering yes to the question about your participation will automatically qualify you to receive a certificate for your attendance. Answering no will result in no certificate being issued.

Please **DOWNLOAD YOUR CERTIFICATE** from the ClassMarker page.

Once you received your certificate, you can then submit the certificate to the accrediting organization of your choice to potentially receive continuing education units/credits.

All ASWM members receive free Certificates of Participation for webinars, while non-Members will be charged a processing fee of \$25.00 US. If you are not an ASWM member, please either go to the ASWM.org website and become a member or select the Non-member certificate option to pay the \$25.00 fee.

If you have any questions, please contact Laura Burchill at [laura@aswm.org](mailto:laura@aswm.org) or contact the ASWM office at (207) 892-3399.

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# Certificate of Attendance

ClassMarker 

ASWM Hot Topic Webinar - ASWM Members Only - Low-head Dam Certificate of Participation

 Jeanne Christie

## Question 1 of 2

I certify that I hold a current membership with The Association of State Wetland Managers.

- Yes
- No

Next 

Save and finish later

ClassMarker 

ASWM Hot Topic Webinar - ASWM Members Only - Low-head Dam Certificate of Participation

 Jeanne Christie

## Question 2 of 2

I certify that I participated in the whole ASWM Hot Topics Webinar on Low-head Dam Removal on Thursday, February 9, 2017, from 3-5 pm Eastern.

- Yes
- No

 Previous

Finish now

Save and finish later

Display previously viewed questions 

# New log in and password for future Certificates of Attendance Will Be Required

ClassMarker 

Results for: Jeanne Christie

Title: ASWM Hot Topic Webinar - ASWM Members Only - Low-head Dam Certificate of Participation

Points: 2 out of 2

Percentage: 100%

Duration: 00:01:26

Date started: Thu 9th Feb 2017 10:44am

Date finished: Thu 9th Feb 2017 10:46am

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#### Feedback

Thank you for certifying that you are both an ASWM Member and that you participated in the entire live webinar. You may now download your Certificate of Participation from this webpage. If you have any questions, please contact [lsara@aswm.org](mailto:lsara@aswm.org) or call the ASWM Office at (207) 892-3399.

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✓ Correctly answered ✗ Incorrectly answered → Missed correct multiple choice option

#### Question 1 of 2

I certify that I hold a current membership with The Association of State Wetland Managers.

Correct answer: A)

You chose: A)

✓ A) Yes

B) No

Points: 1 out of 1

#### Question 2 of 2

I certify that I participated in the whole ASWM Hot Topics Webinar on Low-head Dam Removal on Thursday, February 9, 2017, from 3-5 pm Eastern.

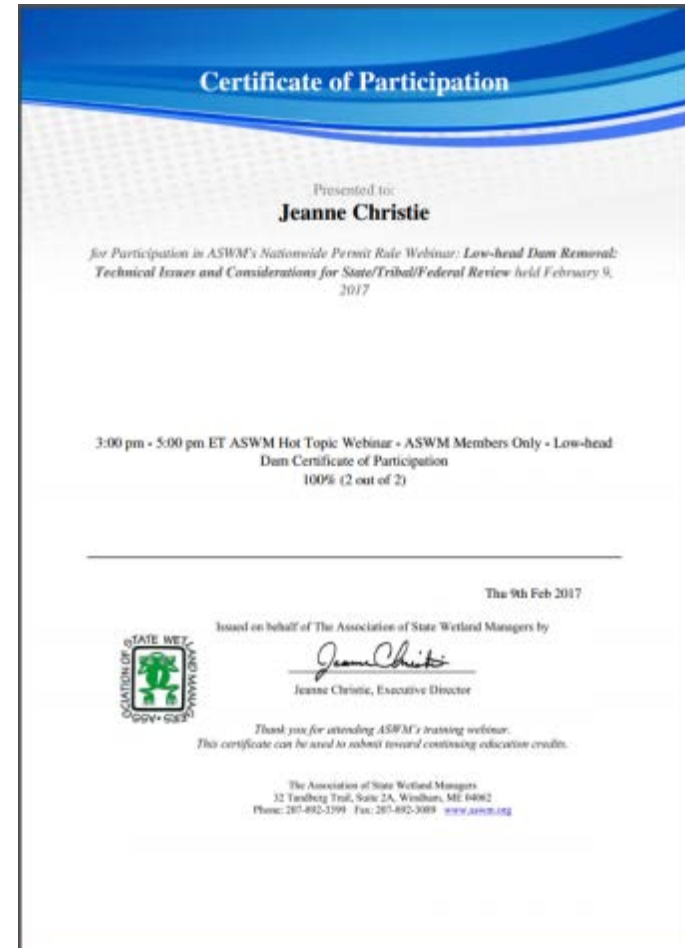
Correct answer: A)

You chose: A)

✓ A) Yes

B) No

Points: 1 out of 1



# Webinar Tech Check-in

If you are using the telephone to listen to the webinar, please mute both your computer's microphone and speakers



Please submit your questions for the presenters via the question box.

A screenshot of a webinar interface. The 'Questions' section is highlighted with a blue circle. Below it, there is a table with columns 'X', 'Question', and 'Asker'. The 'Send Privately' and 'Send to All' buttons are visible. The 'Chat' section is also visible at the bottom.

X	Question	Asker

# If you want to speak on the webinar:

Calling in by telephone usually provides better quality sound

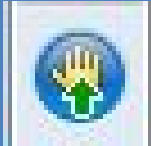


If you *are* using the phone, please turn off your computer's microphone and speakers to avoid feedback issues



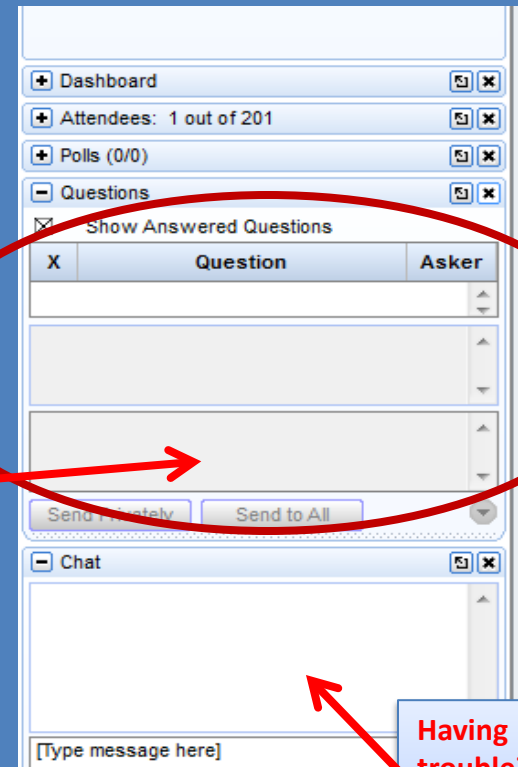
# Two Ways to Join in Question and Answer Session

## 1. "Raise Your Hand" on GoToWebinar Menu Bar



- Raise Hand
- Wait to Be Acknowledged
- Will be Unmuted

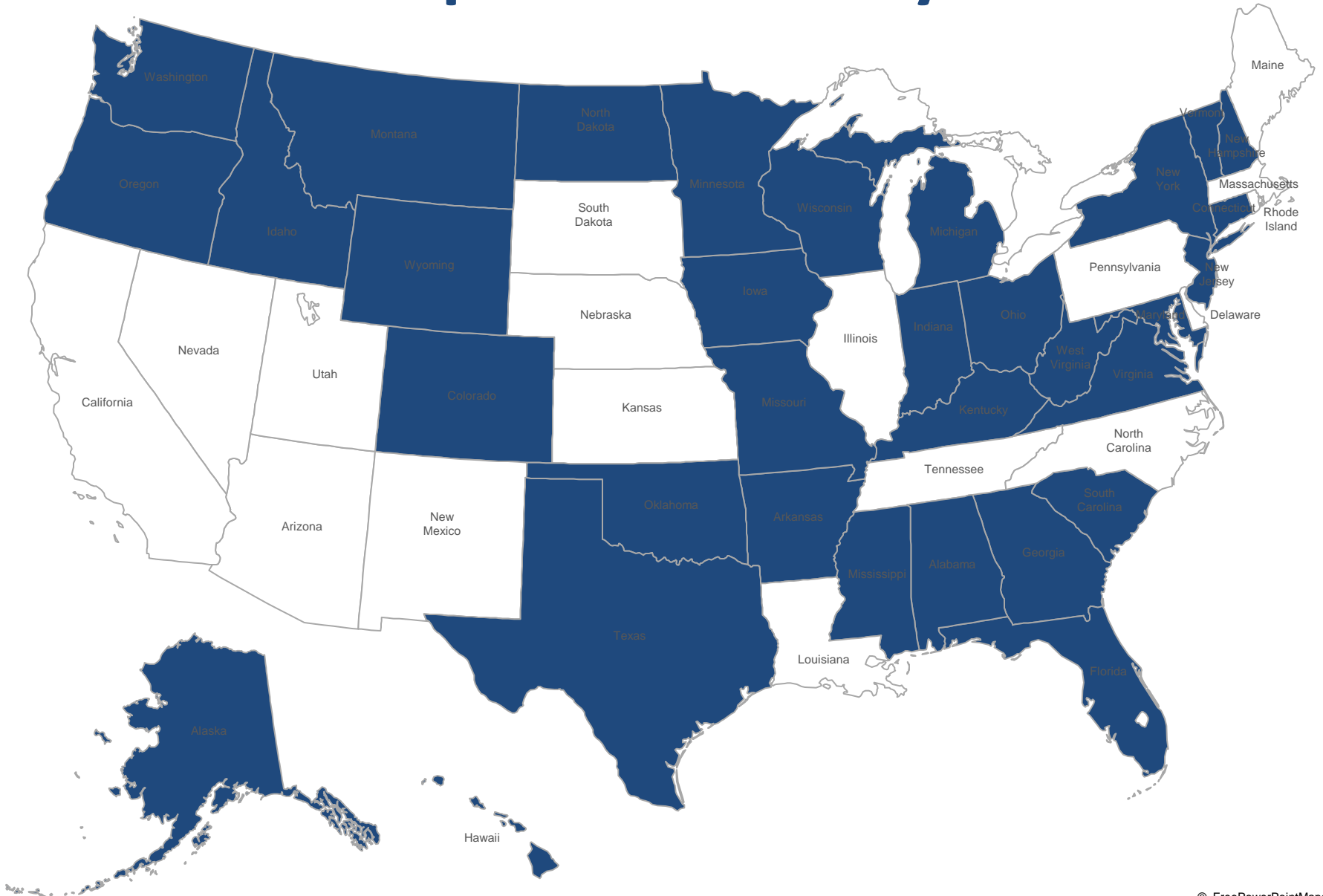
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Enter  
Question or  
Comment  
Here

Having  
trouble?  
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the organizers

# State Participation in Today's Webinar





## Additional Participation in Today's Webinar

Tribes (e.g., Nez Perce and Fond du Lac Tribes)

Federal Agencies (e.g., OMB, USACE, USEPA, USFWS, NOAA, USDA, USFS, FEMA)

Consultant Firms (e.g., Stantec, Moffat & Nichol, CDM Smith)

Members of Academia, Watershed Groups, Counties, The Nature Conservancy, American Rivers...

And more...

# Webinar Moderators



**Jeanne Christie**  
*Executive Director*  
ASWM



**Peg Bostwick**  
*Senior Policy Analyst*  
*Association of State*  
*Wetland Managers*

# Webinar Speakers



*Serena McClain,  
Director of River Restoration,  
American Rivers*



*Jim MacBroom  
President, Milone and  
MacBroom, Inc*

# Webinar Agenda



**Welcome and Introductions** (15 minutes)

**An Overview of Recent Policy and Regulatory Changes Affecting Dam Removal Projects**, Serena McClain, American Rivers (35 minutes)

**Special Consideration for Lowhead Dam removal and Lessons Learned from Dam Removal Projects**, Jim MacBroom, Milone & MacBroom, Inc. (40 minutes)

**Questions** (~30 minutes or until here are no more questions/comments)



*Photo credits: ACOE*

# Importance of State/Tribal Review

- Corps NWP Process depends on regional conditions to ensure that NWP authorizations do not have more than minimal individual or cumulative impacts
- Aligning state and federal criteria (e.g. simplifies process for the public where there is dual permitting)
- Only opportunity for federally mandated 401 Water Quality Certification and, for coastal states, review of CZMA consistency for the next 5 year NWP period

# Focusing State and Tribal Review: Coordination with Districts

## **Coordination with Corps Districts**

(Now through end of process)

- **Regional Conditions** (Public Notice by Districts)
  
- **§401 Certification/Coastal Zone Management Act Consistency Review** (Process may vary from state to state)

# Focusing State and Tribal Review: Final 401 and CZM Comments

## **401 Certification/ CZM Consistency**

(within 60-90 days of *final Federal Register* notice)

- Final state /tribal certification begins
- May certify based on Regional Conditions , or
- Additional requirements may necessitate case-by-case certification by the state or tribe.

See *Federal Register* notice or pre-publication copy for discussion

- Pg. 15-16 of pre-publication copy
- Pg. 35196-7 of F.R. notice

Pre-publication copy is available here:

<https://s3.amazonaws.com/public-inspection.federalregister.gov/2016-31355.pdf>

Federal Register copy is available here:

[http://www.usace.army.mil/Portals/2/docs/civilworks/nwp/2017/nwp2017 final rule FR 06jan2017.pdf?ver=2017-01-06-092409-457](http://www.usace.army.mil/Portals/2/docs/civilworks/nwp/2017/nwp2017%20final%20rule%20FR%2006jan2017.pdf?ver=2017-01-06-092409-457)



# Upcoming Webinars

- **Date to be determined**

Linear projects – meaning of “single and complete” and evaluation of project wide cumulative impacts

- **Date to be determined**

State/tribal sharing and discussion of proposed NWP conditions/certification requirements

Please Be Patient While We Switch  
Presenters...





# Questions, Discussion

Jeanne Christie, Executive Director  
[Jeanne.christie@aswm.org](mailto:Jeanne.christie@aswm.org)

Peg Bostwick, Senior Policy Analyst  
[Peg.bostwick@aswm.org](mailto:Peg.bostwick@aswm.org)