New wetlands regulations tighten the screws

By MARK LESLIE

ASHINGTON, D.C. — Nine out of 10 golf course projects could be affected by new national wetlands regulations that are expected to be instituted on April 14 by the U.S. Army Corps of Engineers (USACE).

The regulations, which control jurisdictional waters of the United States such as wetlands, streams and lakes, were scheduled to go into effect on Dec. 31, 1999, but they were delayed for some tweaking. Reportedly included are two new rules that could have wide-ranging impacts on developments:

- Preconstruction notifications (PCNs) will likely be required on all projects impacting more than 1/10-acre. Nationwide Permit (NWP) 26, which will be replaced by five new NWPs in April, now allows for 1/3-acre impact without PCNs; and it was anticipated to be reduced to 1/4-acre — until now.

- On the other hand, a less-restrictive ruling regarding golf course construction in flood plains appears to be in the works.

“Greater than one-third of our projects in coastal areas over the past 10 years have had wetlands impacts of several thousand square feet,” said Dr. Stuart Cohen, president of Environmental & Turf Services, Inc. in Wheaton, Md. “In

Dye’s PGA track enviro-friendly

By KIT BRADSHAW

PORT ST. LUCIE, Fla. — They say that "under all is the sand" in South Florida. When golf course architect Pete Dye first surveyed the course that was to bear his name at PGA Village here, this saying was only partially true. In addition to the flat sandy topography, there was something else he had to accommodate when designing The Big Mamu. The Big Mamu is a 100-acre marsh that not only needed to be preserved, but protected via the design.

When he first walked this 300-acre combination of sand and wetlands, Dye knew his job would be demanding. He was creating a course that had to follow strict environmental guidelines, combine playability and challenge, but also be a showcase to the golf world, since The Dye Course would be part of the PGA of America’s PGA Village.

On Jan. 1, at the height of the tourist season along Florida’s Treasure Coast, The Dye Course officially opened to the public. Built as part of the triumverate of public courses for PGA Village, it is an extraordinary combination of tradition, preservation and innovation in design.

Not only did Dye design the course in the traditional fashion, with the holes going out and back, but he used every

Schulties gains steam

Kipp Schulties, 30, worked for the Gene Bates/Fred Couples design team for seven years before opening his own firm two years ago with offices in Palm Beach, Fla., and New York City. Among the Indiana native’s best-known designs are the Boca Raton (Fla.) Resort & Club (Kipp Schulties Golf Design Inc. for Gene Bates) and Quail’s Lodge Resort Golf Club in Carmel, Calif. Other Schulties’ efforts include Carolina Golf Club in Southport, N.C., and Heron Ridge Golf Club, both with Fred Couples. Schulties has a bachelor’s degree in civil engineering from Purdue University and a master’s in business administration from the University of Miami. A single-digit-handicap golfer while in college, Schulties didn’t consider becoming a golf course architect until his mother suggested he find out if there was such a profession during his sophomore year at Purdue.

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past when, talking about impacting 10,000 square feet, it has been easy to mitigate — a wave of the hand. But, if you have 1/10-acre limit, it will greatly lengthen an already long permitting process."

More than one-third of our coastal pros over the last 10 years have impacted more than 1/10 but less than an acre. The PCN change would affect nearly all golf course projects, while the flood-plain ruling would impact about half, according to Dr. Richard Whiteside of Wetland and Ecological Consultants in Woodstock, Ga.

"One of the things I was very concerned about is the NWP program (usually the easiest and best to work with if you have to do it, because of its time limits, etc.) was going to be prohibitive for projects in the 100-year flood plain under these proposed changes," said Whiteside. A restrictive flood-plain component could force developers into dealing with the individual permitting process, which is more time-consuming than NWPs, he added.

Since homes can't be insured if built in the 100-year flood plain, non-structured developments like golf courses are often built in those low areas.

The USACE plans to replace NWP 26 with five new NWPs, but a USACE statement reported: "Permittees will have up to 12 months to complete activities authorized under NWP 26, provided construction activities commence, or are under contract to commence, before the existing NWP 26 expires."

Saying that NWP 26 is too broad, the USACE decided five separate NWPs could more accurately address specific activities that are similar and have similar effects, such as recreational activities.

When it was last rewritten, in January 1997, NWP 26 reduced the number of acres a project could affect. Before then, a developer could impact one to 10 acres of isolated wetlands or stream headwaters. One acre could be affected without seeking permits. Under the 1997 revision, permits were required for any impact of more than 1/3 acre. The 10-acre maximum of wetlands that could be affected was reduced to 3 acres.

NWP 29, as it is written today, would reduce that 1/3-acre to 1/4. However, USACE sources have suggested the lower limit will be 1/10 acre. The 3-acre maximum would remain in place, but may often not be met because the limit on any project would be the baseline (1/4 or 1/10, for instance) acre plus 2 percent of the total project acreage. Under the anticipated new regulations, mitigation is going to be baseline, Whiteside said.

According to USACE, NWPs 41, 42, 43 and 44 will also be instituted in April.

NWP 39 is intended for residential, commercial, and institutional development activities, including construction or expansion of building foundations or pads, as well as roads, utilities, sidewalks, and other similar infrastructure. This includes golf courses, playgrounds, ball fields and nature trails.

NWP 42 authorizes construction or expansion of recreational facilities, which could include golf courses and ski areas, "provided substantial grading and filling is not required."

Also possibly affecting golf development will be NWP 43, which authorizes construction of new stormwater management facilities and maintenance of existing stormwater ponds and basins. A two-acre maximum for new construction is expected under this NWP, but excludes impacts to perennial streams.

USACE is accepting PCNs for current permits until Feb. 14. One USACE official said the 45-day response period has been suspended, and the Corps "can take as long as we need, up to a year, to process the NWP 26 PCNs received prior to Feb. 14."

"I believe that our goal will be to maintain the 45-day time period," he wrote in a letter to wetland consultants, "but if we take longer than 45 days there will be no automatic authorizations."

According to the Federal Register, the new and modified NWPs will be issued on or before Feb. 14 and become effective 60 days later.