

## EPA proposes new wetland protection regs

WASHINGTON — The Clinton administration has proposed significant new protection for tens of thousands of acres of wetlands across the United States. Under the action, which was taken August 10, the Environmental Protection Agency (EPA) and the Army Corps of Engineers are proposing to address a regulatory loophole in the Clean Water Act by clarifying the types of activities that can harm wetlands, and thus require regulation.

"Due to a legal loophole that has been exploited," said EPA Administrator Carol M. Brovner, "an additional 20,000 acres of wetlands have been lost in this country over the last two years. The proposal will allow us to go as far as we can through administrative reforms to close this loophole and protect wetlands."

EPA and the Corps are proposing to regulate certain activities that often destroy or fill in wetlands. The proposal will clarify the current regulations under the Clean Water Act, Section 404, to address environmentally destructive earth-moving activities (such as mechanized land clearing, ditching, channelization and in-stream mining) associated with draining wetlands.

Under Section 404 of the Clean Water Act, the Corps issues per-

mits after it completes a careful environmental review of dredged material from proposed projects, including the potential adverse effects on wetlands. This permit program is designed to minimize the environmental impact on wetlands, while also requiring off-setting actions, such as creating or restoring other wetlands.

To protect wetlands, EPA and the Corps first clarified in August 1993 that Clean Water Act

permits were required for any discharges associated with draining wetlands. Referred to as the "Tulloch" rule, that definition was challenged by a number of trade associations and overturned in January 1997 by the U.S. District Court for the District of Columbia. Affirmed in June 1998 by the U.S. Court of Appeals, the Court's decision resulted in a loophole in the wetlands regulatory program, leav-

ing certain forms of environmentally destructive activities essentially unchecked according to the EPA.

Since the 1997 District Court decision, EPA and the Corps estimate that nearly 20,000 acres of wetlands have been destroyed and more than 150 miles of streams channeled without environmental review or mitigation.

In addition to realizing no net loss of wetlands through the

Clean Water Act regulatory program, the Clinton administration's Clean Water Action Plan has already committed to an annual net gain of 100,000 acres of wetlands beginning in 2005, through wetlands restoration programs.

The proposal to change the definition of dredged materials will be published in the Federal Register and will be open for public comment for 60 days.

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## Rainmaker breaks ground at Newport National GC

COLUMBIA, Md. — The Rainmaker Group has signed an agreement to build the first 18 holes of the Newport National Golf Club, a planned 36-hole golf complex designed by Arthur Hills/Steve Forrest & Associates.

The project is located on Aduidneck Island just north of the historic community of Newport, R.I. The first 18 holes will be a private, members-only facility. Construction is scheduled to start this fall. Rainmaker hopes to have the first nine holes ready for play in the fall of 2001, with the complete course open in the spring of 2002.

The second 18-hole layout will be a high-quality daily-fee facility designed to service the demands of the burgeoning tourist market. Preliminary design and permitting is already underway, and construction should begin next fall.

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