

2014 National Golf Day at the Capitol “Leave Behind” From GCSAA

Since 1926, GCSAA has been the top professional association for the men and women who manage golf courses in the United States and worldwide. From its headquarters in Lawrence, Kan., the association provides education, information and representation to more than 19,000 members in more than 72 countries. GCSAA's mission is to serve its members, advance their profession and enhance the enjoyment, growth and vitality of the game of golf. Learn more at www.gcsaa.org.

The Environmental Institute for Golf, the philanthropic organization of the GCSAA, fosters sustainability by providing funding for research grants, education programs, scholarships and awareness of golf's environmental efforts. Learn more at www.eifg.org.

GCSAA does not support the EPA or the Army Corps of Engineers expanding the jurisdictional reach of the federal Clean Water Act as proposed.

The EPA and Army Corps of Engineers have proposed a rule that would bring nearly every river, stream, creek, wetland, pond, ditch and ephemeral (land that looks like a small stream during heavy rain but isn't wet most of the time) in the U.S. under the jurisdiction of the Clean Water Act. Under the rule, all tributaries and adjacent waters, including adjacent wetlands, would be categorically subject to federal oversight, with no additional analysis required. Additionally, the EPA is proposing a sweeping "other waters" category that could include almost everything else. Golf courses that have these waters on them or near them will likely be required to obtain costly, federal permits for any land management activities or land use decisions made.

Water is vital for the health, beauty, and economic viability of golf courses.

Subjecting golf courses to an expensive and unpredictable permitting process will threaten all of this.

How much water is there on golf courses? An average 18-hole golf course comprises 150 acres. Of those 150 acres, 11 acres are comprised of streams, ponds, lakes, and/or wetlands for a total footprint of 161,183 acres nationwide.

Golf courses have been designed to take advantage of the availability of waters to both enhance the golf experience and provide much needed water for course activities. Golf courses have been designed to collect runoff from adjacent properties for flood control and pollution prevention. Courses use this runoff as an irrigation source as well. Courses also use reclaimed water to help water purveyors handle excess recycled water. The course irrigates with this water providing filtration and an economical solution.

The proposed rule could limit and possibly end golf course operations with superintendents required to get costly federal permits:

Sections 402 permits. Section 402 establishes the National Pollutant Discharge Elimination System (NPDES) permitting program, in which EPA or states (with EPA oversight) can issue permits for discharges of pollutants into WOTUS. If almost all water bodies on a golf course are deemed WOTUS, many routine golf course management activities (such as fertilizer and pesticide applications) will be deemed to result in a "discharge" to those so-called WOTUS. Activities that result in a "discharge" cannot legally go forward without a required Section 402 permit. Most important, there is no legal right to a permit to "discharge" into WOTUS —or any deadline on an agency's process to issue a permit. Permitting may take months or even years, or permits may simply be unavailable.

Sections 404 permits. Section 404 allows the Corps to issue permits for discharges of "dredge and fill" material into WOTUS. This includes discharges that would result from moving soil, such as planting trees,

installing drainage, dredging ponds/wetlands, and fixing stream alignments or banks below the ordinary high water mark including rip rap for erosion protection. If this rule becomes final, proposed golf course construction or renovation projects within jurisdictional areas now may require an individual, regional or nationwide Section 404 permit. The rule would give much greater authority for the federal government rather than the state to approve or deny these projects.

Why is the proposed rule a problem for golf courses?

The proposed rule provides essentially no limit to CWA federal jurisdiction.

Paperwork violations can lead to significant fines (upwards of \$37,500 per day).

Adversely effects jobs and economic growth.

Fails to provide reasonable clarity.

Citizen action lawsuits are problematic.

Scientific Advisory Panel review of connectivity is still ongoing.

Drain on state resources.

Golf course superintendents are environmental stewards who work to protect the environment. GCSAA supports water quality protection laws and regulations that are based on sound science and credible data and promote the values of turfgrass and professionally managed landscapes. Golf course superintendents already protect water quality by applying physical, agronomic and environmental Best Management Practices (BMPs), such as correct mowing, Integrated Pest Management/nutrient management and other environmental practices. The ability to provide a healthy turfgrass stand depends on being able to use the types of BMPs that would be prohibited if EPA denies a permit for them.

Properly maintained turfgrass provides many community benefits. This includes critical "greenspaces", habitat for birds and other wildlife, recreational opportunities, capture of run-off pollutants in stormwater, carbon sequestration, and oxygen production. In addition, many entities both public and private rely on healthy turfgrass as a key component in maintaining financial revenues. Healthy turfgrass acts to reduce the velocity of runoff and filters particulates and contaminants from water bodies.

The proposed rule creates an unprecedented expansion of the regulatory authority of the federal government. Expanded federal jurisdiction would pre-empt traditional state and local government authority over land and water use decisions and alter the balance of federal and state authority.