



7 The Administration Wetlands Plan: An Update

Wetlands protection—especially the Federal regulatory program under Section 404 of the Clean Water Act—has been controversial over the past few years. Much continues to be said about the Federal regulation of wetlands, but what is really happening?

Shortly after coming into office, the Clinton Administration convened an interagency working group to address legitimate concerns with Federal wetland policy.

After hearing from States, developers, farmers, environmental interests, members of Congress, and scientists, the working group developed a comprehensive, 40-point plan to enhance wetland protection while making wetland regulations more fair, flexible, and effective. This plan was issued on August 24, 1993.

The Clinton Administration's Plan emphasizes improving Federal wetlands policy by

- streamlining wetlands permitting programs
- increasing cooperation with private landowners to protect and restore wetlands
- basing wetland protection on good science and sound judgment
- increasing participation by States, Tribes, local governments, and the public in wetlands protection.

Accomplishments

The Clinton Administration has already taken a number of actions to implement the Wetlands Plan, including—

- clarified, through regulation, that prior converted croplands are not wetlands under both the Swampbuster and Clean Water Act programs
- issued policies that have increased flexibility in wetland permitting and reduced burdens on permit applicants
- given USDA the responsibility for identifying all wetlands on agricultural lands for both the Swampbuster and Clean Water Act programs
- made it easier for permit applicants to use mitigation "banks"
- allowed for greater flexibility in permitting requirements in Alaska, due to the unique circumstances in that State
- authorized New Jersey to operate its own wetlands program, in place of the Clean Water Act Section 404 program
- requested increased funding for the Wetlands Reserve Program, to assist farmers who want to restore wetlands
- increased funding to States, Tribes, and local governments for wetlands programs.



Next Steps

These efforts are only the first steps that the Clinton Administration is taking to reduce the burden of Federal wetlands regulations, to minimize Federal overlap, and to encourage greater participation by State, Tribal and local governments in protecting wetlands. Activities currently under development include—

- developing an administrative process to minimize the regulatory burden on small landowners and farmers for small projects on their land
- establishing clear and firm deadlines for Corps of Engineers permit decisions
- allowing administrative appeals of permit denials and wetland jurisdictional determinations as an alternative to expensive and time-consuming litigation
- establishing a wetland delineator certification program to increase the government's reliance on wetlands delineations performed by private experts, providing greater certainty and flexibility to applicants
- improving wetlands assessment techniques to allow for better consideration of wetlands functions in permit decisions;
- clarifying exemptions of manmade wetlands from jurisdiction
- developing guidance that will facilitate the use of programmatic general permits—giving State and local governments more flexibility in wetlands protection and reducing unnecessary duplication
- expanding the Wetlands Reserve Program into all 50 States and allowing more types of land into the program.

Further Information

A copy of the Administration Wetlands Plan titled "Protecting America's Wetlands: A Fair, Flexible, and Effective Approach" may be requested from the EPA Wetlands Information Hotline (contractor operated).

