



17 Wetlands Categorization

There has been interest over many years in revising the Section 404 regulatory program to base decisions more on the relative values of wetlands as determined in advance based on the type or condition of the wetland. In response, several approaches have been proposed to classify or "categorize" wetlands based on their relative value, with commensurate levels of regulatory protection assigned to each wetland category.

Issues

Categorization proponents believe wetlands regulation would be improved by focusing agency resources on protection of the most valuable wetlands. Categorization proponents also believe this approach could provide greater consistency and predictability in the permit review process and reduce regulatory burden for activities in lower value wetlands.

However, there is concern that such a hierarchical approach to wetlands protection may result in "writing off" low value wetlands and increase the potential for wetlands "takings" claims for high value wetlands (see Fact Sheet #18). Related concerns include the complexity of evaluating wetland functions and values and the inadequacy of existing methods to do so. In addition, some feel that categorization would lead to increased reliance on mitigation (See Fact Sheet #16).

State experience indicates that categorization programs require substantial time and financial resources to implement.

Current Status

Wetland values are currently assessed on a case-by-case basis in the Section 404 permit review process. The level of review is commensurate with severity of the environmental impact, requiring consideration of both the relative value of the wetland and the impacts of the proposed activity. For many in the regulated community, however, this approach does not provide sufficient predictability or certainty.

In the mid-1980s, efforts to categorize wetlands nationally were abandoned because of scientific uncertainties. Some States, including New York, Maine, and Vermont, have applied categorization within their wetlands protection programs. Alternatively, some States are establishing wetland categories as they incorporate wetlands into their water quality standards programs.

It has been found that categorization works most effectively in the context of local or regional watershed planning initiatives where the relative value of wetlands within the context of a particular watershed can be more accurately assessed.

For more information, contact the EPA Wetlands Information Hotline at 1-800-832-7828 (contractor operated).



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