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of Engineers

NEWS RELEASE

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Protecting and Restoring America's Wetlands:
Agency Actions to Improve Mitigation and Further the Goal of "No Net Loss" of Wetlands

The U.S. Army Corps of Engineers and the U.S. Environmental Protection Agency, in conjunction with the Departments of Agriculture, Commerce, Interior, and Transportation today strengthened their commitment to achieve the goal of no net loss of our Nation's wetlands with the release of a comprehensive action plan and improved guidance to ensure effective, scientifically-based restoration of wetlands impacted by development activities. The Corps' regulatory guidance and the multi-agency action plan will help advance technical capabilities for wetlands restoration and protection, as well as clarify policies to ensure ecologically sound, predictable, and enforceable wetlands restoration completed as part of Clean Water Act and related programs. Both actions are the result of extensive multi-agency collaboration.

"These actions affirm this Administration's commitment to the goal of no net loss of America's wetlands and its support for protecting our Nation's watersheds," EPA Administrator Christine Todd Whitman said. Acting Assistant Secretary of the Army for Civil Works Les Brownlee stated that "the improvements in the Corps' regulatory guidance and implementation of the action plan will enhance effective regulatory decision-making in the permit process and improve the planning of successful wetland mitigation projects."

The National Wetlands Mitigation Action Plan lists 17 action items that the agencies will undertake to improve the effectiveness of restoring wetlands that are impacted or lost to activities governed by clean water laws. Completing the actions in the plan will enable the agencies and the public to make better decisions regarding where and how to restore, enhance, and protect wetlands; improve their ability to measure and evaluate the success of mitigation efforts; and expand the public's access to information on these wetland restoration activities.

A revised Regulatory Guidance Letter leads the list of action items in the National Wetlands Mitigation Plan. Crafted with input from the Federal agencies that play a role in wetlands protection, the Corps' Regulatory Guidance Letter will improve wetlands restoration implemented under the Clean Water Act in support of the Administration's "no net loss of wetlands" goal. In order to advance the goal of no net loss of wetlands, the guidance letter emphasizes the following:

- A watershed-wide approach to prospective mitigation efforts for proposed projects impacting wetlands and other waters
- The increased use of functional assessment tools; and
- Improved performance standards

In addition, the guidance letter emphasizes monitoring, long-term management, and financial assurances to help ensure that restored wetlands actually result in planned environmental gains. The guidance letter also provides greater consistency across the Corps 38 district offices on issues such as the timing of mitigation activities and the party responsible for mitigation success.

Recent independent evaluations published in 2001 by the National Academy of Sciences (NAS) and the General Accounting Office (GAO) reviewed the effectiveness of wetlands compensatory mitigation for authorized losses of wetlands and other waters under Section 404 of the CWA. In its study, the NAS concluded that, despite progress in the last 20 years, the goal of no net loss of wetlands is currently not being met for wetland functions by the compensatory mitigation programs of Federal agencies. The action plan and guidance released today were developed in response to, and are consistent with, the recommendations made in those reports.

"Wetlands" is a collective term for marshes, swamps, bogs, and similar areas that filter and cleanse drinking water supplies, retain flood waters, harbor extensive fish and shellfish populations, and support a diverse array of wildlife. In performing these functions, wetlands provide invaluable ecosystem services. Consequently, their destruction increases flooding and runoff, harms neighboring property, causes stream and river pollution, and results in the loss of valuable habitat.

The agencies are committed to achieving the goal of no net loss of wetlands under the regulatory program and are hopeful of attaining in the near future an increase in the overall function and value of the Nation's wetlands. This is especially important in light of the fact that, since the late 1700s, over half the nation's wetlands have been lost to development and other activities. These losses are widespread - almost half of all states have lost more than 50% of their historic wetland resources.

The CWA prohibits the discharge of dredged or fill material into regulated wetlands and other waters of the United States unless a permit is issued under Section 404 of the CWA authorizing such a discharge. The Corps makes decisions regarding Section 404 permit requests after it completes a careful environmental review of the impacts of proposed discharges, including the potential adverse effects on wetlands. This permit program is designed to avoid impacts to wetlands where possible and minimize these impacts when they are unavoidable. However, if a permit is issued for a project that will result in a loss of wetlands, compensatory mitigation is necessary to replace those lost wetlands. EPA leads the development of the environmental criteria used to evaluate proposed discharges under the CWA.

In addition to the Corps of Engineers and EPA, the Department of Commerce's National Oceanic and Atmospheric Administration, the Department of Interior and the Department of Transportation implement programs involving the restoration of wetlands and other aquatic resources. In combination with the Department of Agriculture's Wetlands Reserve and Conservation Reserve Programs, these restoration efforts are expected to take the country from annual net wetlands loss to net wetlands gain.

Copies of the National Wetlands Mitigation Action Plan and the Regulatory Guidance Letter, as well as links to the above independent studies, will be available on the Corps and EPA websites on Friday, Dec. 27, at:

www.usace.army.mil or www.epa.gov/owow/wetlands/. For further information, contact: David Hewitt, US Army Corps of Engineers, (202) 761-0289.