

Evaluation of Existing Regulations: The Association of State Wetland Managers, Inc. May 15th Comments



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The Association of State Wetland Managers, Inc. (“ASWM”) submitted May 15th comments to the United States Environmental Protection Agency (“EPA”) on the repeal, replacement, or modification of existing regulations in accordance with Executive Order 13777.

ASWM describes itself as a non-profit professional organization supporting the use of sound wetland science, law, and policy in developing and implementing state and tribal wetland programs.

By way of introduction, ASWM states that:

Like many other components of the CWA, Section 404 – which regulates dredge and fill activities in wetlands and other waters – has relied heavily on cooperative federalism for the past 40 years. . .Over past decades, numerous agreements among state, tribal, local, and federal agencies have been developed to ensure that these closely aligned programs are both effective in protecting vital water supplies and are as efficient and timely as possible in meeting stakeholder expectations for authorization of proposed activities that impact surface waters and wetlands.

By way of summary, ASWM recommends:

- Recognition of potential adverse impacts of regulatory modification on interwoven federal, state/tribal, and local regulatory frameworks.
- The organization asks EPA to:

. . . consider the repeal, replacement, or modification of federal regulations within the context of their application in collaboration with other federal, state/tribal, and local agencies and not in the narrower view of the language of an individual regulation. The implication of parallel changes in the federal budget and provision of funds for both federal and state programs should also be considered.

- Clarification of assumable waters under Section 404.
- The organization recommends:

. . . clarification of the scope of assumable waters through revision of the Section 404 State Program Regulation at 40 CFR Part 233.

- Provision of technical assistance and funding to states to support program development.
- The organization recommends:

. . .that EPA continue to provide both technical support and funding to state wetland programs to develop assessment methods, expand the use of Geographic Information Systems (GIS) and related technology that can expedite the identification and evaluation of stream and wetland resources, improve mitigation methods, and otherwise support state and tribal contributions to protection of waters of the U.S.

- Actions on CWA Jurisdictional Rule and alternative means of regulatory reform.

[A copy of the May 15th comments can be found here.](#)