

# WETLAND AND WATER PROTECTION RESOURCE GUIDE

MARCH 2024





# A Message from President Biden

March 22, 2024

I send my warmest greetings to everyone celebrating World Water Day.

Our freshwater resources make life possible. They nourish our families, sustain our economy and our communities, and support incredible biodiversity. Despite the ways they enrich our people and the environment, these essential, limited resources are inaccessible for too many Americans—and they are at risk due to climate change and other threats. My Administration is working to protect our waters and ensure every household in America has access to clean drinking water.

From day one, we have worked tirelessly to conserve our natural treasures for current and future generations. My first week in office, I signed an Executive Order establishing the “America the Beautiful” Initiative—our country’s first-ever national conservation goal—committing to conserve, connect, and restore at least 30 percent of our Nation’s lands and waters by 2030. During my first year, we protected more lands and waters than any President since John F. Kennedy, and we are continuing to work with partners at all levels to support locally led conservation and restoration efforts in freshwater ecosystems. And last year, the United States joined the Global Freshwater Challenge—the largest-ever global initiative to conserve and restore degraded rivers, lakes, and wetlands.

To ensure that our communities and our landscapes are more resilient to a changing climate and to protect drinking water sources for all Americans, it is crucial to restore and protect these freshwater systems. As others attempt to upend protections for clean water, my Administration will use every legal authority we have to protect our Nation’s waters for the people and communities that depend on them.

We are taking unprecedented steps to ensure every American household benefits from our vital freshwater resources. Everyone in this country deserves the peace of mind of knowing that, when they turn on their faucets, they will have clean water to drink. We are committed to replacing every single lead pipe in the United States, and we are investing \$15 billion from our Investing in America agenda to realize that goal, in addition to \$11.7 billion from the Drinking Water State Revolving Fund to replace lead pipes across the country. And for the first time, we are acting to set a standard to regulate the release of cancer-causing “forever chemicals” into our waterways and eliminate them from our drinking water.

When we safeguard our freshwater resources, we not only protect the environment but also support a vital part of our economy. This World Water Day, may we recommit to sustaining these essential waters for generations to come.

President Joe Biden



# Wetland and Water Protection Resource Guide

Since day one, President Biden and Vice President Harris have led a whole-of-government effort to ensure that every community has access to clean water. The Biden-Harris Administration recognizes that freshwater resources are fundamental to the health, prosperity, and resilience of our communities and our landscapes. These resources include rivers, streams, lakes, and wetlands, and each serves a critical role in freshwater systems. For example, wetlands act as sponges, soaking up excess water to clean, store, and move into underground aquifers and release in times of drought. Rivers and wetlands form productive deltas for fisheries and people, protecting communities from storm surges. These waters provide opportunities to fish, play, and ponder. And they nourish adjacent forests, farmlands, wetlands, and mangrove forests that act as carbon sinks for the world.

Despite representing less than three percent of the earth's water, freshwater resources support a large amount of nature and are among the most productive habitats on the planet, akin to coral reefs and rainforests. Freshwater resources are home to almost 10 percent of all animal species, including 25 percent of all invertebrates and 51 percent of all fishes. Rivers and their wetlands also connect terrestrial and marine habitats, creating pathways for nutrients and migrating species, like herring and salmon, to move. This is one of many ways in which freshwater resources play an important part in supporting healthy and diverse ecosystems.

Our nation's economy and national security also depend on these freshwater resources. Rivers, lakes, and streams provide 87 percent of the water used nationally, including water for agriculture, energy, and domestic use. Wetlands also provide \$1.2 trillion in flooding protection each year, in addition to supporting habitat for economically important species. These waterbodies provide national boundaries, deliver valuable food products, and protect vital trade routes. However, degraded rivers, lakes, streams, and wetlands can stunt economic growth, cause disease, create tensions for communities, and prevent supplies from reaching those in need. Protecting freshwater resources is vital to ensuring economic security and building community resilience.

As important as they are, freshwater resources are at risk, and the risk is increasing. Between 2009 and 2019, the United States lost more vegetated wetlands than the land area the size of Rhode Island. In 2023, the United States Supreme Court decision in *Sackett v. Environmental Protection Agency* severely curtailed the spatial reach of the federal Clean Water Act, limiting a tool that has protected wetlands and waters from degradation and loss for the past 50 years. In that context, the tools that remain have grown more important.

The Biden-Harris Administration is committed to protecting and restoring our freshwater resources. The [Bipartisan Infrastructure Law](#) and the [Inflation Reduction Act](#) represent historic opportunities to invest in natural infrastructure, including our water resources. The following resource guide, which includes input from several federal agencies, is intended to serve as a resource for Tribes, states, territories, local governments, private land owners, and non-governmental organizations to advance water resource protection.



## Navigating Federal Technical Assistance and Funding Opportunities

This resource guide provides examples of technical assistance and funding opportunities from select federal agencies that are available to aid Tribes, states, territories, local governments, and private entities in the protection and restoration of freshwater resources. For further assistance in identifying and navigating the relevant opportunities that each federal department or agency has to offer, please contact the following offices:

- United States Environmental Protection Agency (EPA):
  - Office of Wetlands, Oceans and Watersheds: [waterta@epa.gov](mailto:waterta@epa.gov)
- United States Army Corps of Engineers (USACE):
  - Public Affairs Office: [hq-publicaffairs@usace.army.mil](mailto:hq-publicaffairs@usace.army.mil)
- United States Department of the Interior (DOI)
  - United States Fish and Wildlife Service (USFWS): [contact3@fws.gov](mailto:contact3@fws.gov)
  - National Park Service (NPS): [newsmedia@nps.gov](mailto:newsmedia@nps.gov)
  - Bureau of Reclamation (USBR): [bor-sha-press@usbr.gov](mailto:bor-sha-press@usbr.gov)
  - Bureau of Land Management (BLM): [BLM\\_Press@blm.gov](mailto:BLM_Press@blm.gov)
  - Bureau of Indian Affairs (BIA): [NewsMedia@bia.gov](mailto:NewsMedia@bia.gov)
- United States Department of Agriculture (USDA)
  - Natural Resources Conservation Service: [askusda@usda.gov](mailto:askusda@usda.gov)
- National Oceanic and Atmospheric Administration (NOAA)
  - NOAA Communications: Lori Arguelles at [lori.arguelles@noaa.gov](mailto:lori.arguelles@noaa.gov)
- Federal Emergency Management Agency (FEMA)
  - Resilience Office: [FEMA-ActionOffice-Resilience@fema.dhs.gov](mailto:FEMA-ActionOffice-Resilience@fema.dhs.gov)
- United States Department of Transportation (DOT):
  - Thriving Communities Program: [USDOTAssist@dot.gov](mailto:USDOTAssist@dot.gov)



## Examples of Available Federal Technical Assistance Opportunities

The Biden-Harris Administration has support available to help Tribal, state, territorial, local governments, and other non-governmental partners navigate, access, and deploy federal resources to protect our wetlands and waters. The following list of technical assistance resources is an example of the wide range of support that the federal government can provide to support wetland and water resource protection activities.

- The U.S. Environmental Protection Agency (EPA) provides comprehensive training, technical assistance, program development support and monitoring, data, and assessment support to Tribes, states, and territories to provide a foundation for wetlands and water protection program implementation, including the [Enhancing State and Tribal Programs](#) and the [Watershed Academy](#).
- EPA will work with Tribes who wish to obtain “treatment in a similar manner as a state” (TAS) to obtain access to Clean Water Act funding opportunities, including providing technical assistance to obtain TAS for the [Section 319 Grant Programs and Water Pollution Control Grants](#), and to obtain the authority to administer certain Clean Water Act programs, such as [Section 303\(c\) water quality](#) standards, [Section 303\(d\) listing of impaired waters and establishment of Total Maximum Daily Loads](#), and [Section 401 water quality certification](#).
- EPA has initiated various cooperative agreements to support Tribes, states, and territories, for example through the [National Association of Wetland Managers \(NAWM\)](#) and the [Environmental Law Institute \(ELI\)](#). These organizations have provided training, reports, and discussion opportunities for Tribes, states, and territories on a variety of water quality protection topics such as monitoring and assessment practices, Tribal and state wetland programs, and Tribal and state regulatory protections including for wetlands that are no longer “waters of the United States.”
- EPA is developing an introductory technical training that will help support Tribes, states, and territories in the development of [Total Maximum Daily Loads \(TMDLs\)](#) that can restore and protect water quality under the Clean Water Act. TMDLs can help improve water quality at the watershed level, which can provide benefits to non-jurisdictional waters and wetlands. EPA is finalizing this material for regular public use in the near future.
- The U.S. Army Corps of Engineers (USACE) provides technical and planning assistance to Tribes, states, territories, and communities to support locally based efforts such as watershed and restoration planning, aided by an additional \$30 million provided in the Bipartisan Infrastructure Law for the [Planning Assistance to States Program](#). Other programs include the [Tribal Partnership Program](#), the [Floodplain Management Services Program](#), and the [Planning Assistance to States Program](#). The USACE is also advancing solutions to aquatic ecosystem challenges through research and development at the Engineer Research and Development Center, such as working with Tribes to identify



successful restoration methods for manoomin (wild rice), a culturally and ecologically important wetland species.<sup>1</sup>

- The USACE can also provide technical assistance to eligible entities as they work to develop new or revised water-related programs or regulations in response to the *Sackett* decision.
- The U.S. Fish and Wildlife Service (USFWS) provides technical assistance to Tribes, states, territories, and landowners in planning and project design to reduce the impact of projects on at-risk species, including addressing non-point source pollution in priority watersheds. This assistance includes access to data and studies related to proposed project areas as well as technical expertise and support in evaluating options and potential impacts.<sup>2</sup>
- USFWS's [Coastal Program](#) and [Partners for Fish and Wildlife Program](#) provide technical assistance to federal, Tribal, state, territorial, and local agencies, private landowners, non-governmental organizations, and others to support non-regulatory wetland and habitat restoration project development. Assistance can be provided to support habitat management planning, restoration techniques, partnership development, and fund leveraging opportunities. Technical assistance is prioritized to aid development and implementation of on-the-ground projects that promote habitat connectivity and resilience to conserve priority species.
- USFWS offers technical assistance to Tribes and states regarding wetland sites that may have potential for designation as Ramsar Wetlands of International Significance. The Ramsar Convention is a non-regulatory, non-binding, voluntary intergovernmental treaty for the conservation and wise use of wetlands and their resources. The USFWS approves United States Ramsar site applications for consideration by the Ramsar Secretariat.<sup>3</sup>
- USFWS can offer insights to Tribes, states, and territories on the role that the National Wildlife Refuge system has on adjacent wetlands and within watersheds and is committed to engaging Tribes and states early and often on projects of mutual interest. USFWS hydrological staff as well as local and regional leaders are readily available and can be contacted at any time via the [Natural Resource Program Center](#).
- The National Oceanic and Atmospheric Administration's (NOAA's) [Effects of Sea Level Rise Event Response Program](#) can provide immediate assistance to individuals to gather data prior, during, and/or immediately after weather events to monitor the performance of nature-based coastal resilience solutions, like coastal wetlands. This information can be used by federal, Tribal, state, territorial, and local officials to plan for future events and make sound decisions leading to safer coastal communities and healthier coastal environments.<sup>4</sup>

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<sup>1</sup> For more information about the Tribal Partnership Program, please contact Amy Babey at [amy.s.babey@usace.army.mil](mailto:amy.s.babey@usace.army.mil); for the Planning Assistance to States Program, please contact Sharon Sartor at [Sharon.m.sartor@usace.army.mil](mailto:Sharon.m.sartor@usace.army.mil); and for the Floodplain Management Services Program, please contact Stephanie Bray at [stephanie.n.bray@usace.army.mil](mailto:stephanie.n.bray@usace.army.mil).

<sup>2</sup> For additional information about USFWS technical assistance, please contact your [local USFWS Ecological Services field office](#) or email [contact3@fws.gov](mailto:contact3@fws.gov).

<sup>3</sup> For more information about Ramsar, please contact [contact3@fws.gov](mailto:contact3@fws.gov).

<sup>4</sup> For information about the Effects of Sea Level Rise Event Response Program, please contact David Kidwell at [david.kidwell@noaa.gov](mailto:david.kidwell@noaa.gov).



- NOAA can offer best management practices to Tribes and states for common actions in streams that can be used by Endangered Species Act-listed (ESA-listed) salmon and steelhead for spawning, migration, and/or rearing when the stream is flowing. For example, NOAA developed the [West Coast Fish Passage Guidelines](#) to aid in the consideration of climate, hydrologic, geomorphic, and biologic processes when designing fish passage facilities.
- Federal agencies such as EPA and NOAA can provide information to Tribes and states during the water quality standards development process to inform Tribes' and states' design of their own water quality standards under the Clean Water Act for Tribal and state areas (*see, e.g., EPA's wetland water quality standards website*).
- The U.S. Department of Transportation (DOT) provides targeted, hands-on technical assistance to Tribes, states, territories, and local governments in planning and project design through the [Thriving Communities Program](#), which may include reducing the impact of transportation projects on wetlands and waterways.
- The [DOT Navigator](#) is a virtual technical assistance resource that lists all technical assistance resources available across DOT, including those on wetlands protection; a suite of resources specifically to help potential applicants navigate the discretionary grant process; and a set of key mapping and data tools on resiliency and coastal flooding that can be useful when planning projects and developing grant applications.
- DOT's [Discretionary Grants Dashboard](#) provides a searchable database of all federal transportation discretionary grant opportunities that can be filtered to search by eligibility, type of project or transportation mode, match flexibility, and other variables, including those that provide a rural and or Tribal set-aside. The Dashboard is maintained through DOT's [Rural Opportunities to Use Transportation for Economic Success \(ROUTES\) Initiative](#) which provides technical assistance to rural communities on DOT programs, and has also created a [rural grant applicant toolkit](#).
- The Federal Emergency Management Agency's (FEMA's) Building Resilient Infrastructure and Communities (BRIC) program provides [non-financial direct technical assistance](#) to support Tribes, territories, and local communities that are undertaking holistic, equitable hazard mitigation solutions, including protection and restoration of wetlands, from the earliest stages. Support can include broad planning and capacity-building, benefit-cost analysis, mitigation alternatives development, project scoping, and design to explore the creation of clean water protection programs. Submission for BRIC Direct Technical Assistance takes place during the BRIC program annual application cycle.

## Examples of Available Funding Opportunities

President Biden's Investing in America agenda is a once-in-a-generation opportunity for Tribes, states, territories, local governments, and non-governmental partners to invest in water resource conservation and restoration. These federal funding opportunities include:

- EPA's [Wetland Program Development Grants](#) provide funding to support Tribes, states, territories, local government agencies, and interstate/intertribal entities to develop and refine comprehensive programs to protect, manage, and restore wetlands, including programs that are not tied to the definition of "waters of the United States." Additional



EPA funding programs to protect wetlands, surface water, and ground water include: [Clean Water State Revolving Funds](#), [Drinking Water State Revolving Funds](#), the [Five Star Wetland and Urban Waters Restoration Grant Program](#), [Section 319 Nonpoint Source Management Grants for States and Tribes](#), and [Water Pollution Control Grants](#).

- EPA provides funding to accelerate the strategic protection of healthy watersheds through its [Healthy Watersheds Consortium \(HWC\) Grant Program](#). This grant program supports an array of demonstration and capacity-building projects that expand watershed protection activities in healthy freshwater, estuarine, and marine ecosystems nation-wide.
- Where authorized, the USACE may construct projects that restore hydrologic connectivity to floodplains including wetlands and thereby improve the physical and biological integrity of streams, aided by additional funding from both the Bipartisan Infrastructure Law and an increased 2025 budget request.
- The U.S. Department of the Interior (DOI) receives \$900 million annually from the [Land and Water Conservation Fund \(LWCF\)](#), for federal, state, territory and local programs that safeguard natural areas, water resources, and cultural heritage, and provide recreation opportunities to all Americans, including a matching grant program that enables state and local governments to acquire and develop public outdoor recreation areas and facilities. Governments can use this program to acquire places like wetlands, riparian areas, and headwater streams, increase access to natural areas, create recreational opportunities, and provide protection to areas delivering critical ecosystem services to communities. The [Recovery Land Acquisition Grant Program](#) at the USFWS is another funding opportunity for states and territories to acquire important habitat for species listed as endangered or threatened under the ESA. Tribes can work with states through the grant programs to request LWCF funding for projects. President Biden's 2025 Budget proposes to establish a new Tribal LWCF land acquisition program.
- DOI invests in wetland and water conservation and restoration in iconic areas in support of its [Restoration and Resilience Framework](#), including places like coastal salt marshes, Appalachian streams, the Arctic-Yukon-Kuskokwim Basin, and the Klamath and Columbia River Basins. These landscapes and others receive funding through several [Ecosystem Restoration Programs](#) that provide Bipartisan Infrastructure Law and Inflation Reduction Act funding to invest on DOI managed lands as well as to Tribal, state, and territorial governments and other partners for projects that affect floodplains, wetlands, streams, riparian habitats, aquatic barrier infrastructure, shorelands, and hydrology of tidal wetlands and salt marsh restoration and revitalization.
- USFWS's [North American Wetlands Conservation Act](#) matching grant program supports public-private partnerships that protect, restore, and/or enhance wetlands and associated upland habitats for the benefit of all wetland-associated migratory birds. The USFWS's Migratory Bird Conservation Fund, though not a grant program, represents an additional opportunity to secure key habitats that sustain migratory bird populations and protect wetlands.
- USFWS's [National Coastal Wetlands Conservation Grant Program](#) provides eligible coastal and Great Lakes state agencies, and territories, with funding of up to \$1 million to protect and restore valuable coastal wetland resources. The President's Budget requests that this program be funded at \$21 million in fiscal year 2025.
- Voluntary non-regulatory projects that conserve priority species and habitats, including wetlands, are eligible for funding under the USFWS [Coastal Program](#) (available in 22





priority coastal and Great Lakes watersheds) and through the [Partners for Fish and Wildlife Program](#) (available to Tribes and private landowners).

- USFWS's [Wetland Easement Program](#) pays landowners for easements that permanently protect wetlands in the Prairie Pothole Region of Iowa, Minnesota, Montana, North Dakota, and South Dakota. Landowners who sell a wetland easement to the USFWS agree that wetlands protected by an easement will not be drained, filled, leveled, or burned.
- DOI's Bureau of Indian Affairs' (BIA's) Tribal Climate Resilience Branch has made \$35 million available from the Inflation Reduction Act under the [Annual Awards Program](#) under a Set-Aside for Habitat Restoration, and will provide resources to support Tribal efforts for planning or implementation projects to conserve or restore habitats, including wetlands, through 2024.
- The BIA's Branch of Fisheries, Wildlife, and Recreation (BFWR) provides support to Tribes in their management of important fish and wildlife Trust resources either on, or off-reservation through BIA regional offices and local agencies. The [Rights Protection Implementation \(RPI\) Program](#) supports implementation of federal court orders regarding complex, off-reservation treaty rights, and supports implementation of the United States/Canada Pacific Salmon Treaty.
- DOI's Bureau of Reclamation's (USBR's) [WaterSMART program](#) funds [Environmental Water Resources Projects](#) for improvement or restoration of natural wetlands, and has [recently](#) provided funding for several projects that provide wetland benefits in a number of states, including Colorado, Idaho, Oregon, and Washington state.
- The U.S. Department of Agriculture (USDA) has announced \$19.5 billion in new resources from the Inflation Reduction Act to support conservation practices, including those that benefit wetlands, riparian areas, land adjacent to waters, and water quality. These opportunities are available through the [Agricultural Conservation Easement Program](#), [Environmental Quality Incentives Program](#), [Conservation Stewardship Program](#) and [Regional Conservation Partnership Program](#).
- USDA Farm Service Agency's voluntary [Conservation Reserve Program](#) and [Conservation Reserve Enhancement Program](#) pay landowners an annual rental fee in exchange for conservation of enrolled lands, including wetlands, riparian areas, and land adjacent to important water resources.
- NOAA is investing in coastal wetland restoration and conservation through the Bipartisan Infrastructure Law and the Inflation Reduction Act. To date, NOAA Fisheries' Office of Habitat Conservation has awarded more than \$480 million for 109 projects that will support fisheries habitat restoration projects, including funding dedicated for Tribes and underserved communities. Example funding opportunities include: the [Pacific Coastal Salmon Recovery Fund](#), [Transformational Habitat Restoration and Coastal Resilience Grants](#), [Coastal Habitat Restoration and Resilience Grants for Tribes and Underserved Communities](#), [Restoring Fish Passage through Barrier Removal Grants](#), and [Restoring Tribal Priority Fish Passage through Barrier Removal Grants](#). In addition, NOAA's [Coastal and Estuarine Land Conservation Program](#) provides funds to Tribes, states,



territories, and local governments to purchase threatened coastal and estuarine lands or obtain conservation easements for these lands.<sup>5</sup>

- DOT's [Promoting Resilient Operations for Transformative, Efficient, and Cost-saving Transportation \(PROTECT\) Program](#) is DOT's first funding program dedicated exclusively to climate resilience, adaptation, and disaster mitigation. The PROTECT program is providing \$7.3 billion in formula funding to states and \$1.4 billion in competitive grants over five years to help make surface transportation more resilient to natural hazards, and it includes funding for nature-based solutions such as wetlands restoration.
- The Federal Highway Administration's (FHWA's) [Culvert Aquatic Organism Passage \(AOP\) Program](#) is delivering \$1 billion in Bipartisan Infrastructure Law funding over five years to remove, repair, and redesign culverts and weirs that impact the flow of waters in rivers and streams. The FHWA has so far awarded a total of \$196 million to Tribal, state, and local governments to fix or remove almost 170 fish culverts and improve approximately 550 miles of stream habitat across the country.
- FEMA's [Community Rating System](#) provides a reduced cost on [National Flood Insurance Program \(NFIP\)](#) policies in communities that participate. Communities that adopt standards that protect and expand the horizontal and vertical floodplain and its associated wetlands, are eligible for a higher rating and further reduced NFIP premiums.

## Examples of Data and Information to Support Wetland and Water Protections

A critical aspect of protecting and restoring our freshwater resources is understanding the location, extent, and status of our wetlands and waters. The following is an example of the data and information resources available to support freshwater protection:

- EPA and USACE will collaborate on analyzing data from approved jurisdictional determinations to assess trends in the jurisdictional status of aquatic resources over time.
- The Federal Interagency Coastal Wetlands Working Group has developed [Recommendations for Reducing Wetland Loss in Coastal Watersheds of the United States](#), which can be used by program managers, non-governmental organizations, and government staff (federal, Tribal, state, territorial, local, and regional) to reduce and reverse the loss of wetlands in coastal watersheds.
- The [Tidal Restrictions Synthesis Review](#) provides information on the extent of structures within the United States that limit tidal exchange between upstream and downstream habitats, potentially leading to a loss of tidal wetlands. The review describes potential effects on the coastal environment and provides tools for avoiding or removing restrictions from the landscape when practicable for wetland restoration. In 2024, the EPA and FHWA will release the *Tidal Restriction Prioritization Protocol for the Restoration of Tidal Wetlands*, which is designed to assist natural resource managers in New York, New Jersey, Puerto Rico, and the U.S. Virgin Islands to allocate resources to essential tidal wetland rehabilitation.

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<sup>5</sup> For more information about NOAA's coastal wetland restoration and conservation efforts, please contact Jessica Edwards at [Jessica.Edwards@noaa.gov](mailto:Jessica.Edwards@noaa.gov).



- USFWS’s National Wetlands Inventory (NWI) Program provides high-quality, consistent wetland geospatial data for the contiguous United States, Hawaii, territories, and most of Alaska through its [Wetlands Mapper](#). The USFWS will work with Tribes, states, and other federal agencies to update and improve the dataset, expand available tools, and provide trainings to assist with numerous conservation and planning applications. The NWI dataset can be used to assist in locating and understanding the benefit of at-risk wetlands. The NWI Program also provides decadal [Wetlands Status and Trends reports](#) on wetland area and change within the conterminous United States, which can be used to understand drivers of wetland change and implications for communities.
- USFWS’s Water Resource Inventory and Assessment (WRIA) effort summarizes wetland information and data on National Wildlife Refuges across the United States. Information about water rights, watershed resources, and water resource threats [is available](#) for individual refuges, and may be helpful to adjacent communities, states, partner-managed lands, or private landowners in the watershed near a refuge.
- The USFWS Alaska region has assessment tools ([Stream Quantification Tool](#), for example) to quantify the value of stream and wetland habitat so that public, private, and Tribal entities have a basis for which to assess their resources.
- NOAA’s [Digital Coast](#) resources can help Tribes, states, and territories understand how proposed actions may impact existing coastal wetlands and identify areas where future wetlands may migrate as a result of climate change and sea level rise. These resources include the [Sea Level Rise Viewer](#), the [Lake Level Viewer](#) for the Great Lakes region, and the [National Environmental Satellite, Data, and Information Service](#) water quality and habitat assessment tools. In addition, NOAA will explore the steps necessary to expand the Digital Coast services to Alaska with additional benefits for Tribes, the state, and federal agencies. The information available through the Digital Coast resources can be used to support the development resources like the [Landscape Scale Marsh Resilience](#) tools, and can be used to develop statewide comprehensive [marsh management plans](#).<sup>6</sup>
- NOAA’s [Coastal Change Analysis Program](#) partners with states and other entities to generate data used in wetland protection efforts, such as the Galveston Bay Report Card.<sup>7</sup>

## Examples of Additional Federal Agency Actions and Authorities to Protect Water Resources

The Biden-Harris Administration is committed to protecting and restoring our freshwater resources. In addition to continuing to implement the Clean Water Act to protect rivers, streams, wetlands, and other waters that fall within the Act’s jurisdiction following *Sackett v. Environmental Protection Agency*, the following activities are examples of how federal departments and agencies are taking action to protect our critical freshwater resources.

- In the [recent final rulemaking on Clean Water Act section 401](#), EPA provided that while a certifying authority (i.e., state or authorized Tribe) is limited to considering impacts to “navigable waters” when certifying compliance with the enumerated provisions of the

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<sup>6</sup> For more information on NOAA’s Digital Coast Resources, please contact Miki Schmidt at [Nicholas.Schmidt@noaa.gov](mailto:Nicholas.Schmidt@noaa.gov).

<sup>7</sup> For more information about NOAA’s Coastal Change Analysis Program, please contact Nate Herold at [nate.herold@noaa.gov](mailto:nate.herold@noaa.gov).



Clean Water Act (Clean Water Act sections 301, 302, 303, 306, and 307), a certifying authority is not so limited when certifying compliance with requirements of state or Tribal law that otherwise apply to waters of the state or Tribe beyond navigable waters (i.e., states and authorized Tribes may consider the application of other appropriate requirements of state or Tribal law to all waters impacted by the activity to which these laws otherwise apply).<sup>8</sup>

- If finalized as proposed, the USACE’s proposed [Agency Specific Procedures to Implement the Principles, Requirements, and Guidelines for Federal Investments in Water Resources](#) would allow the USACE to fully consider the benefits of a water resources project to include the economic, environmental, and social effects. This would enable the USACE to deliver comprehensive community-based water resource solutions which maximize public benefits. One of the key aspects of the proposal is to include the incorporation of nature-based solutions where appropriate.
- The USACE has issued a *Beneficial Use of Dredged Material (BUDM) Command Philosophy Notice* to move the Corps from 30-40% BUDM to 70% by 2030. The USACE [routinely creates value](#) from dredged sediments through beneficial uses such as enhancing wetland habitat. Using dredged sediment beneficially is an important component of the USACE’s dredged material management strategy, significantly reducing disposal requirements.
- NOAA Fisheries, under the Magnuson-Stevens Fishery Conservation and Management Act (MSA), conducts Essential Fish Habitat (EFH) consultations and makes conservation recommendations on federal actions that may adversely affect EFH for federally managed species, including salmon species. Streams provide important refuge and rearing habitat for managed salmon, and provide clean, cold water for spawning and rearing habitats – areas that have been identified as EFH for salmon under the MSA.
- Section 9 of the ESA prohibits take of endangered fish and wildlife species (and threatened species in certain circumstances) within the United States, its territorial waters, and the high seas. NOAA Fisheries and USFWS are responsible for determining whether there is prohibited “take” of threatened or endangered species.
- The Fish and Wildlife Coordination Act (FWCA) requires consultation with NOAA (as well as USFWS and the appropriate state wildlife agency) on any proposed water resources development project (e.g., dam, levee, water diversion) that is undertaken or authorized by a federal agency. The FWCA consultation includes recommendations for actions that should be adopted to conserve, protect, and enhance fish and wildlife resources. FWCA recommendations are applicable no matter the wetland jurisdictional status.
- National Wildlife Refuges support Congressionally-mandated wildlife conservation goals. USFWS will restore or enhance wetland areas within the National Wildlife Refuge System through projects funded by the Inflation Reduction Act and Bipartisan Infrastructure Law, as well as through annual Deferred Maintenance Funding Sources for aging habitat infrastructure on refuge lands.
- Through the [Military Lands Conservation Program](#), USFWS works with the U.S. Department of Defense (DoD) to conserve habitats, including wetlands, through

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<sup>8</sup> For more information about Clean Water Act Section 401 and/or the recent rulemaking, please contact Lauren Kasperek at [cwa401@epa.gov](mailto:cwa401@epa.gov).



Integrated Natural Resources Management Plans and other means. DoD's vast land base supports the preservation of ecologically important native habitats such as coastal beaches and wetlands, making military installations a haven for fish, wildlife, and plants, including rare and unique species. Working under the authority of the Sikes Act, USFWS offers guidance and field support for the conservation and management of fish and wildlife resources and their habitats on military installations while supporting military readiness.

- The network of the [National Fish Habitat Partnership \(NFHP\)](#) coordinates with over 20 federal agencies and all 50-state fish and wildlife agencies to protect, restore, and enhance fish habitat.
- The [Federal Flood Risk Management Standard \(FFRMS\)](#) establishes a national minimum flood risk management standard for federally-funded projects that considers risk, vulnerability, and climate change to strengthen community resilience against flooding.