

## NEWS RELEASE

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# Making the Most of the Billions Spent on Wetlands Mitigation

## Nonprofit Organizations and Government Agencies to Collaborate on Implementing a “Watershed Approach” and Improving the Alignment of Mitigation Sites with Conservation Priorities

**New York** – The Doris Duke Charitable Foundation (DDCF) today announced a grant of \$185,000 over two years to The Nature Conservancy for the initial phase of a pilot project in partnership with the Environmental Law Institute (ELI), the US Army Corps of Engineers (USACE) and the US Environmental Protection Agency (EPA).

The goal for this phase is twofold. First, it is to design, demonstrate, and test a methodology by which to implement the recently required watershed approach to the wetlands mitigation section of the Clean Water Act (Section 404). Second, it is to improve the alignment of mitigation sites with natural areas identified by the states as conservation priorities in their wildlife action plans. The pilot project will be located in the USACE’s Nashville District (<http://www.lrn.usace.army.mil>), which touches seven states and covers 59,000 square miles.



With an initial pilot project in the USACE’s Nashville District, the partners will develop a way to implement the recently required watershed approach to the wetlands mitigation section of the Clean Water Act, and improve the alignment of mitigation sites with conservation priorities. (Photo courtesy of TNC)

“The Doris Duke Charitable Foundation is pleased to support the initial phase of this important project and applauds the science-based and solution-oriented way in which these organizations and agencies are approaching it together,” said Jeff Lerner, Program Officer for the Environment Program at DDCF.

In keeping with the requirements of Section 404 of the Clean Water Act, approximately \$2.9 billion is spent each year to reconstruct, restore or replace wetland habitats that have been damaged or destroyed by development. Yet the effectiveness of these mitigation efforts has been called into question, as regulations have favored attempts to recreate wetlands at sites selected primarily on their proximity to the one that had been degraded. In 2008, USACE and EPA took aim at these issues and adopted a new watershed approach, which will now favor conserving natural wetlands at sites selected for their importance to local ecology and surrounding communities. The challenge now is to find the best possible way to implement this new and promising approach.

“Wetland mitigation projects are an important tool for ensuring the sustainability of our nation’s water resources, and the new watershed approach will provide for improved efficiency and effectiveness,” said Terry Sullivan, Senior Policy Advisor for Water Resources at The Nature Conservancy. “The collaboration announced today will be a great step toward achieving the overarching goals of mitigation projects, helping to conserve our clean water, protect our wildlife and benefit our communities.

“That USACE and EPA are adopting a watershed approach is a watershed event,” said Jessica Wilkinson, Senior Policy Analyst with ELI. “Wetlands mitigation to date has been really good theory, but now there is the potential to turn it into really good practice.”

"We appreciate the longstanding interest and support of The Nature Conservancy and the Environmental Law Institute in the Army's Regulatory Program and our shared objective of protecting our nation's aquatic environment," said Chip Smith, Assistant for Environment, Tribal and Regulatory Affairs with the Office of the Assistant Secretary of the Army for Civil Works. "The pilot project being announced today will help us all re-think how wetlands compensatory mitigation projects are implemented, how they can be linked to conservation objectives and how they can be formulated using a watershed approach."

"The Environmental Law Institute and the Nature Conservancy have been invaluable partners in the effort to protect and steward the nation's wetlands, streams and other aquatic resources," adds Suzanne Schwartz, Acting Director of the Office of Wetlands, Oceans and Watersheds at EPA. "Their Watershed Approach pilots, announced today, will continue that valuable partnership. These pilots will provide important scientific and technical insights about where to target wetland and stream restoration and protection projects to better ensure that they work to restore and maintain the ecological integrity of the nation's water resources. These kinds of pilots are particularly valuable to EPA and the U.S. Army Corps of Engineers as we move forward with implementation of our new mitigation regulations which call for a Watershed Approach in the selection and design of wetland and stream compensatory mitigation projects."

The project will pay particularly close attention to the potential for mitigation projects to help the states conserve natural wetlands identified as conservation priorities in their wildlife action plans. These plans were created at the request of Congress, which mandated that each state develop a comprehensive strategy for conserving its wildlife. The plans were developed by the state wildlife agencies, working together with local scientists, sportsmen, conservationists and other members of the public, and approved by the U.S. Fish and Wildlife Service. More information about the plans, as well as copies of each, can be found at [www.wildlifeactionplans.org](http://www.wildlifeactionplans.org).

The results from this initial phase of the project are expected in the spring of 2010. The launch of the second phase of the project is also expected at that time, beginning with workshops with key partners from state and federal agencies.

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*The mission of the Doris Duke Charitable Foundation ([www.ddcf.org](http://www.ddcf.org)) is to improve the quality of people's lives through grants supporting the performing arts, environmental conservation, medical research and the prevention of child maltreatment, and through preservation of the cultural and environmental legacy of Doris Duke's properties.*

*The Nature Conservancy ([www.nature.org](http://www.nature.org)) is a leading conservation organization, working around the world to protect ecologically important lands and waters for nature and people. To date, the Conservancy and its more than one million members have helped protect 130 million acres worldwide.*

*The Environmental Law Institute ([www.eli.org](http://www.eli.org)) makes law work for people, places, and the planet. With its non-partisan, independent approach, ELI promotes solutions to tough environmental problems. The Institute's unparalleled research and highly respected publications inform the public debate and build the institutions needed to advance sustainable development.*