



## UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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OFFICE OF WATER

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(Modified February 2, 2010 by addition of marked (^)and bolded sentence on p. 4)

### **MEMORANDUM**

**SUBJECT:** Building State and Tribal Wetland Programs: Core Elements Framework, Wetland Program Development Grants Changes, and Wetland Program Plans

**FROM:** David Evans, Director /s/ *David Evans*  
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**TO:** State and Tribal Wetland Program Managers  
State Water Division Directors

EPA is encouraging State and Tribal wetland programs to provide “Wetland Program Plans” (hereafter “Plans”) that outline goal(s) and actions over the next few years, with a schedule for carrying out the actions and achieving the goals. Wetland Program Development Grant (WPDG) applications that propose to help carry out actions articulated in Plans will be eligible for extra points in the competition process starting with the FY 2011 WPDG Request-for-Proposal (RFP).

#### Background: Enhancing State and Tribal Program Initiative and the Core Elements Framework

In 2007, EPA undertook an initiative to enhance our support for State and Tribal efforts to build their wetland programs. This initiative – the “Enhancing State and Tribal Programs (ESTP) Initiative – has five main parts: 1) Clearly define the core elements of a State/Tribal wetlands program, 2) Increase the dialogue between States/Tribes and EPA Regional offices, 3) Provide targeted technical assistance to States and Tribes, 4) Align the WPDGs with a framework that incorporates more clearly defined core elements, and 5) Track programmatic progress.

More information on the ESTP can be found here:

<http://www.epa.gov/owow/wetlands/initiative/estp.html>

In 2008, EPA and a State and Tribal workgroup developed the “Core Elements of an Effective

State or Tribal Wetland Program Framework” (“Core Elements Framework” or “CEF”). The CEF describes and defines each of the four core elements of a comprehensive wetlands program, providing a menu of broad “actions,” and more specific “activities” nested under each action. The core elements are: 1) Monitoring and Assessment, 2) Regulation, 3) Voluntary Restoration and Protection, and 4) Water Quality Standards for Wetlands.

The CEF provides more detailed information on building State and Tribal programs than EPA has articulated in the past. The CEF is comprehensive so that States and Tribes can choose the array of actions and activities that are best suited to their goals and resources. EPA recognizes that program development and implementation activities will continue to be incremental and bounded by the goals and resources within a State or Tribe; the Agency does not expect simultaneous development of all core elements by every State and Tribe.

The CEF is included on the ESTP website, and is located at:

<http://www.epa.gov/owow/wetlands/initiative/cefintro.html>

#### Changes to Wetland Program Development Grant Request-for-Proposal

Beginning in FY 2010, RFPs will no longer include specific “national priorities.” Instead, the RFP will emphasize the CEF, asking States and Tribes to convey their own program development priorities in their application by identifying the relevant action(s) from the CEF. If a grant proposal does not directly reference the CEF, the applicant will need to provide a description of how the proposal will build a State/Tribal/local government wetland program. Regional priorities structured around processes (e.g. “using a watershed approach”) may still be included in a Regional RFP, though Regional priorities will no longer be structured around a particular core element (e.g., monitoring and assessment) of a wetland program. This change is to allow States and Tribes to have the flexibility to identify and act upon their own programmatic priorities, consistent with the intent of the CEF.

#### Wetland Program Plans: Why is EPA Recommending Them?

A 2007 WPDG evaluation conducted for EPA determined that States with strategic plans found them to be effective in guiding and focusing their program-building efforts. With this evaluation finding in mind, and starting immediately, EPA is giving State and Tribal wetland programs the opportunity to submit Wetland Program Plans to their EPA Regional office.

Plans are not required, but are strongly recommended. The purpose of asking for these Plans is to encourage States and Tribes to focus their wetland protection and restoration work, plan their program’s course towards achieving their goals, and communicate their intent and needs to EPA. In addition, the Wetland Program Plans should help increase communication between States and Tribes and EPA. Plans can also help garner more support from within a State or Tribe for its wetland program. Finally, Plans will enable EPA to more effectively develop, target, and deliver technical and other assistance to help States and Tribes achieve their wetland program goals.

In general, EPA wants Plans to be publicly available so that others may benefit from the State's or Tribe's experience. Sharing the Plans will also allow potential partners, such as local governments and universities, to understand a State's or Tribe's wetland program objectives and enable them to better assist the State or Tribe to achieve its goals.

### What are Wetland Program Plans?

Wetland Program Plans do not need to be elaborate documents. An effective Plan may be a concise identification of planned actions to help create a focused and sustainable wetland program. Plans should include the following minimum components:

- An overall goal Statement for the program over the time period covered by the Plan.
- An overall timeframe for the plan, with a minimum timeframe of three years and a maximum of six years, starting from the time of Plan submittal to EPA.
- A list of actions consistent with the CEF that the program intends to carry out over the Plan timeframe, and which, if collectively met, will accomplish the overall Plan goal(s).
- An intended schedule for the achievement of each action.\*
- A listing of more specific activities to be accomplished under each action.

A Plan should refer to both wetland program implementation and program development work anticipated for the upcoming 3 to 6 years. By contrast, WPDG workplans should focus on carrying out a subset of the State's or Tribe's Wetland Program Plan. At this time, WPDG workplans would only refer to program development work, as program implementation work is not presently fundable. Wetland related actions that the State or Tribe anticipates using funds other than WPDGs to carry out should also be included in the Plans.

Plans should reflect the State's or Tribe's particular interests in moving their wetland protection program forward. It is an opportunity for the State or Tribe to tell EPA where they choose to focus their wetland protection work.

Actions listed in a Plan should be consistent with the actions in the relevant core elements chapter of the CEF (see individual core element tables at <http://www.epa.gov/owow/wetlands/initiative/cefintro.html>). It is not necessary for CEF actions to be included verbatim, but Plans should reference the part of the CEF that most closely relates to the proposed actions.

Please note that EPA Regions may add supplemental components for Plans submitted to that Region, in addition to those listed above.

A sample Plan has been included as an attachment to this memorandum.

\* We recognize that the resources needed to carry out Plans will be uncertain at the time they are developed. EPA

may ask to discuss any subsequent departure from the original schedule with the State or Tribe.

### What do Wetland Program Plans Have to do With Wetland Program Development Grants?

Wetland Program Plans are voluntary: States and Tribes who do not wish to create such Plans need not submit a Plan to EPA. However, starting with the FY 2011 WPDG RFP, EPA expects to make additional points available in the competition process to grant applications that propose to carry out actions in a State's or Tribe's reviewed Wetland Program Plan. **^For FY 2011, EPA will also make the same number of additional points available in the competition process to grant applications that propose to *develop* Wetland Program Plans.** Local governments and university applications helping to carry out a State or Tribal Plan would also be able to receive these extra points. A grant application that proposes to fund actions articulated in a Plan is **not**, however, guaranteed WPDG funding; WPDG proposals will continue to be evaluated across all selection criteria through the grant competition process.

A State or Tribe may apply for WPDG funding to create a Plan.

### How will States and Tribes Develop Wetland Program Plans?

EPA recognizes that many States and Tribes have existing plans for their wetland programs. These existing documents range from wetland program-specific plans to components of broader environmental or water quality program plans. Existing plans are sometimes officially adopted, and sometimes informal. EPA encourages States and Tribes to draw on these existing documents in crafting their Wetland Program Plan. States and Tribes with existing documents that contain EPA's Wetland Program Plan minimum components may submit these as their Plan, or modify them as necessary to address the minimum components listed above. In these cases, the State or Tribes should include a cover letter with the Wetland Program Plan submittal, making it clear which portions of their existing document include the Plan minimum components. An existing plan must cover actions and activities for, at least, the next 3 to 6 years from the time the document is given to EPA for review, in order for it to be considered the State's or Tribe's Wetland Program Plan under this effort.

For many States and Tribes, multiple agencies are involved with wetland program activities. In these cases, EPA strongly encourages the relevant agencies to coordinate to create a single Plan. However, if this coordination is inordinately difficult to achieve prior to the release of the FY 2011 WPDG RFP, EPA will accept Plans from more than one agency within a State or Tribe. Regions, however, may choose to require a "coordinated agency" Plan, given their knowledge of how the wetland program is set up for that State or Tribe.

### What is the EPA Review Process for the Wetland Program Plans?

The review process for Wetland Program Plans has two components: the initial review, and the regular (typically annual) discussions about progress.

In order to be eligible for the extra points in the WPDG RFP competition process in FY 2011 associated with carrying out part or all of a Wetland Program Plan, a State or Tribe must have

submitted their Plan by a date to be specified by the Region. The Region will review the Plan and determine whether the minimum components are included. Each Region will provide a point of contact for Plan submission to the States and Tribes.

Generally each year, for those States and Tribes that have provided a Plan for review, EPA Regional offices and the State or Tribes will discuss the progress on the Plan's actions and activities, any assistance that EPA can provide, and any adjustments that the Plan may need. These reviews can be done in concert with other annual reviews, if EPA and the State or Tribe find that to be beneficial. EPA Regions may choose to have these discussions less frequently than annually if the demand on staff time is too high due to the number of Plans submitted.

As a Plan nears the end of its time period, the State or Tribe should provide a revised Plan with a new 3 to 6 year time period, so that the State's or Tribe's Plan can stay current. If the Plan is not updated and expires, that State or Tribe would not be eligible for RFP points related to carrying out actions in the Plan until EPA reviews their updated Plan. For example, if an initial Plan covers calendar years 2011-2014, the State or Tribes must have a new agreed upon Plan in place prior to the release of the Region's FY 2015 RFP.

#### Where Will the Wetland Program Plans be Made Public?

In general, Plans that have been submitted and verified to meet the minimum components will be made public. This may happen in any of the following ways: 1) States and Tribes make their Plan available on a State or Tribal website, 2) States and Tribes submit their Plans electronically to EPA, which will attach it to the electronically posted Regional WPDG RFP, and/or 3) States and Tribes submit their Plans electronically to EPA, which will post it to an EPA Wetland Program Plan website. EPA may consider other ways of posting Plans, as well.

#### Level of Plan Authorization in State and Tribal Governments

EPA has a national expectation that a program manager (or higher level authority) authorize the Plan within a State or Tribe. Individual EPA Regions may require a higher level of authorization from their States and Tribes prior to Plan submittal.

### Attachment: Sample Wetland Program Plan for the Monitoring and Assessment Core Element

This sample Wetland Program Plan is provided to give an example of what such a Plan may look like. However, any Plan that meets the minimum components is acceptable; i.e. Plans need not be structured identically to this one. The actions in this sample Plan are taken from the Monitoring and Assessment Core Element Framework table; however, actual Plans may be consistent with actions in any one (or more than one) of the Core Element Framework tables.

This sample Plan only covers the national minimum components. However, as stated in this memorandum: 1) Individual Regions may decide to add to the national minimum components for States/Tribes in their Region, and 2) States/Tribes may at their own discretion submit Plans that include information beyond the minimum components.

#### **1) Overall goal Statement and time frame for Plan:**

The State of X plans to develop its wetland monitoring program over the next five years (2011-2015). In 2008, the State developed a monitoring goal to assess ambient wetland conditions in 25% of its HUC 8s by 2015. The State will use this information to improve understanding of baseline wetland condition, to develop benchmarks for wetlands restoration, to inform development of wetland-specific water quality standards, and to prioritize wetland restoration and protection activities. The State plans to achieve this goal through implementing the following actions and activities over the next five years:

#### **2) Actions and activities supporting overall goal, with schedule:**

*Year One (2011):*

Action: Define wetlands monitoring objectives and strategies.

##### Activities

- State Department of Environmental Protection will hold a series of coordination meetings with those State agencies involved in developing its overall wetlands monitoring goal.
- Outline specific monitoring objectives and a strategy for the State wetland monitoring program to help achieve the aforementioned goal.

*Year Two (2012):*

Action: Define wetlands monitoring objectives and strategies.

##### Activities

- Identify data needs based on agreed upon monitoring objectives and strategy.
- Integrate wetlands monitoring strategy into existing water quality monitoring efforts.

Action: Develop monitoring design.

Activity (fits under **both** of the listed Actions for Year Two):

- Refine and document monitoring strategy, which includes: a classification scheme in order to group the type, class, and size of wetlands resources; a description of the site selection process; a list of the universe of wetland resources from which sites can be selected, and a schedule for implementation.

*Year Three (2013):*

Action: Select a core set of indicators to represent wetland condition or a suite of functions.

Activities:

- Identify indicators that are relevant for monitoring objectives established in monitoring strategy.
- Confirm indicators are scientifically defensible.

Action: Ensure the scientific validity of monitoring and laboratory activities.

Activities:

- Complete Quality Management Plan.
- Complete Quality Assurance Project Plan.

*Year Four (2014):*

Action: Monitor wetland resources as specified in strategy.

Activities:

- Identify and train staff to monitor for each indicator.
- Send monitoring teams into selected sites in field.

*Year Five (2015):*

Action: Track monitoring data in a system that is accessible, updated on a timely basis, integrated with other water quality data, and allows program to measure and report trends in wetland resources.

Activity:

- Integrate with other water quality data systems.

Action: Analyze monitoring data to evaluate wetlands extent and condition/function and to inform decision-making.

Activities:

- Document data analysis and assessment procedures.
- Develop assessment method to determine condition thresholds relative to reference standard condition.
- Report wetlands status and trends.
- Establish baseline wetland condition.

Action: Improve the site-specific management of wetland resources.

Activities:

- Incorporate monitoring and analysis into restoration techniques.
- Evaluate the performance of compensatory mitigation sites.
- Establish ecologically-meaningful benchmarks for gauging restoration success.

Action: Develop geographically-defined wetland protection, restoration, and management plans.

Activities:

- Identify most vulnerable wetlands.
- Evaluate restoration potential and prioritize restoration and protection efforts.