



Association of State Wetland Managers

Wetland Regulatory Capacity Building for States and Tribes

Presented by Matt Schweisberg
Wetland Strategies & Solutions, LLC
March 23, 2021



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Improving Compliance & Enforcement for Wetland Regulatory Programs

Inventory and understand existing statutory authorities and regulations that can be used for compliance and enforcement

Identify new statutes, existing statute changes (if any), and new regulations and/or revisions, additions

What players may be needed to accomplish those changes?





Improving Compliance & Enforcement for Wetland Regulatory Programs

For all changes, be clear on why—what are the current deficiencies, what would be the benefits of the changes
Staffing and funding needs / projections

Initial meeting with and outreach to the principal players—
internal and external, regulated community / key interest groups, key & influential legislators / stakeholders, etc.

Must be able to respond clearly to the key questions—what, why, when, who & how?

Anticipate questions & minimize uncertainties as much as possible



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- *Growing an enforcement program takes time*, in many cases several years to become fully operational. *Recruiting and hiring the right staff* to work on compliance is challenging. States and tribes have reported high turnover that can lead to ongoing hiring and training needs.
- Coordinate with the Army Corps District/Division and EPA Region to establish SOPs, e.g., who takes the lead in different circumstances, exchange of information, back-up
- State and Tribal leaders must buy-in and fully support the program. They should have a clear understanding of the rules and regulations that they are enforcing.



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- *In-the-field presence* is particularly important for experience and credibility.
- Enforcement rules must be designed to be clear, transparent, and appropriately flexible to account for the range of violators, violations, and unexpected circumstances that will be encountered.
- *Fairness & Consistency* in how the program staff approach and communicate with the public is vitally important. Enforcement responses must be the same.



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Improving Compliance & Enforcement for Wetland Regulatory Programs

Key Foundation Items —

- Establish jurisdiction and develop a strong regulatory or legal foundation
- Establish and adopt clear written policies and procedures for enforcement
- Secure sustainable funding and staffing for enforcement activities
- Develop investigation tools, procedures, and plans
- Use a decision matrix tool
- Communicating compliance and enforcement — *Outreach & Education*
 - Frequent early on; semi-annual for mature programs
 - Press releases
- Periodic internal evaluation — Lessons learned and challenges



Partnering with Other Programs to Increase Capacity

- Formal or informal — MOAs/MOCs may be useful
- State and tribal surface water, hazardous waste, solid waste, ground water / drinking water
- Federal agencies—EPA, Corps, FWS, NMFS, USDA-NRCS, DOJ, USGS, BLM, USFS, etc.
- Academic institutions, NGOs
- Regional planning organizations
- Land trusts
- *Two-Way Street*



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Partnering with Other Programs to Increase Wetland Regulatory Capacity

Why Integrate?

Tangible Benefits of Integration Activities

Improved environmental outcomes:

Improved habitat, water quality, abundance of species, and biodiversity
Increased water quality and reduced impairment
Better flood and drought control
Improved hydrologic connections & conditions

Improved restoration potential and ability to more accurately identify priority areas for protection or restoration

Increased use of public resources and recreational activity

Good publicity and PR



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Partnering with Other Programs to Increase Capacity

Why integrate?

Semi-Tangible Benefits of Program Integration

- Increased ability to achieve agency/watershed goals
- More efficient and effective shared permitting processes
- Greater resource sharing - resulting in higher quality projects, wider reach, and greater impact (but ...)
- *Increased access to expertise across integration partners*



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Partnering with Other Programs to Increase Capacity

Why integrate?

Semi-Tangible Benefits of Program Integration, Continued

Greater efficiency in use of field staff

Shared learning leading to professional development and career opportunities

Increased public/stakeholder awareness and appreciation for watershed issues

The development of more innovative solutions through shared expertise and ideas.



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Partnering with Other Programs to Increase Capacity

But be aware, integration takes work and commitment

- Shared expenses
- Compromises on staff use
- Competing goals, incongruent policies & practices
- Administrative challenges
- Requires constant, open communication
- Periodic coordination meetings for planning, evaluating, adapting, reporting to higher management (possibly the public)



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Partnering with State Associations to Build Wetland Regulatory Capacity

Benefits

State associations often engage in extensive education and outreach to landowners, interest groups, and decision makers. Can reach a wider universe.

Can convey in several venues important conservation and management lessons and share research about wetland ecosystem services and value.

Better positioned to take on advocacy roles and work with community leaders in ways that are not possible for states and tribes.



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Partnering with State Associations to Build Wetland Regulatory Capacity

Who to work with —

NGOs, such as state and tribal wetland associations, watershed associations, key citizen / environmental groups

To the degree possible, exchange goals, objectives, plans, needs, research data and results, etc.

Cooperate on outreach and communication activities

Cooperate on grant projects and research

Participate in association annual meetings / conferences



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