Clean Water Rule Rulemaking/Consultation

- **What is going to happen**
  - What we have just heard: Rescind Clean Water Rule + Go forward with Scalia based rule
  - Consultation process – consideration before they go into the Rule
  - There will be a proposed rule for rescinding the Clean Water Rule with a public comment period
  - 2015 Rule had gone into effect, EPA sued, then Rule was stayed (went to 1986 rule and subsequent guidance materials are in effect)
  - What happens in states where regulations can be no more extensive than federal?

- **What ASWM could do:**
  - ASWM will work with states/tribes to think about what to do to assess and prepare comments
  - Guidance on how to conduct an analysis of impact
  - How think about economic benefits
  - Consistency in messaging
  - Hosting webinars to help understand the issues
  - Flow chart (where we are now → a complete CWR)
    - What are the steps
    - Tentative timeline
  - Include independent people who are not “beholden” to their org/agency opinion
  - Website with selection of items that states could consider for inclusion in comments

Other Requests for Public Comment

- **Enforcing regulatory ____ agenda – Comments prior to May 15th 2017**
  - What rules do you want to get rid of?
  - Repeal, modify or rescind
  - This is an opportunity to share your preferences

- **April 19 - Meeting in DC: (Other Public comment opportunities)**
- **Assumable Waters**
- **General guidance on how to provide input (e.g. not identical postcards; distinctive communications have more influence).**
- **What ASWM could do:**
  - Create workgroup(s) that would be willing to review and share emerging information – Audience was supportive

*Notes reflect discussion only. Specific actions based on discussion were not decided upon during the session.*
Workgroup A: State Workgroup – An advisory group to represent state wetland programs in response to opportunities for consultation
- Waters for wetland programs (Mirror ACWA workgroup; collaborate with them)
- Make sure clear about what the workgroup would do (role) – in order to secure internal support to participate
  - For those who can’t participate, value to receiving the info/outputs of the workgroup
- ACWA working in partnership

Workgroup B: Affiliates Workgroup - Loose affiliation of other interest groups to share information, network, touch base on a regular timeframe
- Are there things to coordinate on? State associations, science community, NPOs, etc.

Assisting and Building State Program Capacity

- So state is in position to be able to take action/not take action as needed
- States are commenting on rule making, but states need to have capacity to adjust to emerging circumstances (budget changes, loss of EPA funding, changes in regulations, etc.)
- ASWM could:
  - Try to figure out what analyses would help explore/inform proposed changes
  - Help states:
    - Identify - What will be lost? What is at risk/why important/how fix it?
    - Help articulate the “story”
  - Potentially move to messaging about whole water program impacts (not just wetlands)
  - Keep states informed – states have hard time keeping up with what’s happening, can communicate internally to their staff
  - Assist with creating a shared position on specific issues
    - Being able to reference a widespread, articulated stance on these issues – show widespread support for a specific issue; allows states to adopt a “stance” and know they are not alone.
  - Help states understand what happens when states step up and compensate for budget loss; what will happen if change back in administration - will the program dollars come back from federal? Difficult balance. There is a risk. One takes up slack, while the other gets rid of it. Importance of identifying/communicating the importance of their programs

Budgets – Consequences

- Creating a budget – What makes an ideal budget/creating a sustainable budget for upcoming changes (potential funding sources and their pros/cons – e.g. fees, etc.)
- There are likely to be cuts very soon – decisions have been made in congress; a matter of where the cuts will come, not if they will
- Less money for the second half of the year

*Notes reflect discussion only. Specific actions based on discussion were not decided upon during the session.*
• FY18 budget – Proposed 30% cut to EPA  
• Budget usually presented around the time of the State of the Union speech  
• Budget presented by the chairman – good idea of what it will look like; not much going to change after that point  
• ACWA is trying to articulate the consequences of the proposed cuts at the state level.  
  o Making sure they are thinking about the wetland program as well during these discussions and decisions  
• How many jobs are affected by grant dollars from EPA (WPDG, 319 funding, etc.)  
  o Recommendation: Make it a job statistic  
• ASWM could work on:  
  o Providing insight and guidance on how states finance their state budgets (reference NC Finance Center study)  
  o Creating a workgroup to look at this information and think about it  
• Timeframe: Late spring/early summer

Removing/Keeping Regulations

• Potential to participate  
• ASWM could work on:  
  o Getting information out about opportunities  
  o Host a conference call on this topic

Facilitating Natural Infrastructure

• Body of information showing savings from using natural infrastructure  
• How do we encourage natural infrastructure as part of the administration’s $3b infrastructure initiative?  
• Advocate for building natural infrastructure using 319 funds  
• Much of the concrete projects fund out of state monies; while natural infrastructure is invested in local economy (Natural infrastructure is local; “American-made swamps”)  
• Concentration on policy initiatives – foster value of natural infrastructure  
• Be able to capture and communicate the value of wetlands for dealing with extreme weather  
  o Value of avoided water management costs – savings from not having to develop water filtration plants  
  o Value created through restoration projects – local jobs  
• Who should the messenger be about natural infrastructure? – State environmental agency may not always be the best messenger  
  o People who talk about it and share it, they may not be those who do it  
• Where new administration interested in infrastructure, incumbent upon states to get ahead of this with their state agencies to be ready to include natural infrastructure in this work  
• ASWM could work on:  
  o Providing resources to share with consultants and staff

*Notes reflect discussion only. Specific actions based on discussion were not decided upon during the session.*
Assisting states understand how to value natural infrastructure

Providing Understanding of How Diverse State Wetland Programs Are

- How this information will be used
  - Some states will be more/less impacted by specific changes; how this should impact decision making
  - Message seems to be that “states will take care of it,” but there is time needed to prepare; states have no infrastructure to take those additional responsibilities on
  - Only works if states were ready to do this work already/have strong program or ability to invest new resources – regardless there will be ramp-up time; also need to realize that there will be waters that are not protected (at least for some period of time)
  - Concern that, “give it to the states,” means that it just won’t get done (because there is no capacity to take on this work. Nothing in the state able to stop something if there is not an adequate program to address it.

Communication and Coordination

- How to get beyond partisan politics – to the resource and sound science
- Careful in crafting our messages
- Identify which people to reach out to (that otherwise might not have) – groups that wetland programs do not always engage.
- Is there the need for a communication group?
  - Options:
    - Informal work group
    - Potential electronic forum
  - Very popular idea with the attendees that are “emerging wetland professionals”
  - Conversely, may need additional training for “submerging professionals” 😊
- Training on how to get an educated message out when baited on social media (trolls)
  - Can reach a large audience if respond in a non-partisan way

Working beyond Partisan Politics

- When there is a push for C=cooperative federalism, federalism, states taking charge, those invited to the decision-making table to discuss are often not those who can take our messages to the conversation

EPA Excellence in Wetland Programs Initiative

- Want to capture uniqueness/distinctions of different state programs
- Celebrating success; having stories about what has worked
- Where funding comes from – most of the funding comes from EPA; general public thinks that local dollars pay for projects; need to let them know this would not happen without EPA funding.

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• Point out the problems that led to the need for the solution in the first place. Tie back in to the issue that there is still a lot of progress that still needs to be made.
• How do you move people to action – question about whether to focus on negative or positive.

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