

WETLANDS

Biden's conservation plan puts WOTUS in the crosshairs

Hannah Northey, E&E News reporter • Published: Thursday, May 6, 2021



Wetlands at sunset. Peter Heeling/Skitterphoto

A vision the Biden administration laid out today for preserving 30% of the nation's land and water by 2030 is already fueling calls for EPA to reverse a controversial Trump-era water rule that rolled back federal protection for wetlands and streams.

Biden officials today released "America the Beautiful," a framework for its ambitious [conservation plan](#) they said is locally led and nationally scaled ([see related story](#)). Over the next decade, the program — relying heavily on voluntary actions — will leverage ongoing restoration efforts with states, tribes and private landowners to protect large swaths of land and water.

While the plan appears to be focused on protecting ocean waters, Biden officials on a call with reporters today said that freshwater resources are also included and that identifying and conserving large swaths of land and water on private lands will have a positive knock-on effect for rivers and streams across the nation.

Indeed, the administration's plan includes principles that focus on fresh water, including restoring ecosystems to manage drought and flooding, and preserving access to hunting and fishing grounds. The plan also calls on agencies to support collaborative conservation efforts across the country and for the Fish and Wildlife Service to expand ongoing conservation efforts, including fish passage projects and state wildlife action plans.

Gina Raimondo, secretary of the Commerce Department, said on the call that the plan will protect "special ocean places" and critical fisheries, and the agency is ready to implement it, "including the expansion of the National Marine Sanctuary System and the National Estuarine Research Reserve System." NOAA will also work with regional fishery councils to identify areas that need to be protected, she said.

But some questioned the lack of firm policies in the plan and pointed to ongoing permitting under the Trump-era Navigable Waters Protection Rule ([Greenwire](#), March 19).

"Until they fix WOTUS, preserving large numbers of wetlands will be a voluntary effort or up to the states," said Mark Ryan, a former Clean Water Act attorney for EPA Region 10, referring to the waters of the U.S. (WOTUS) rule. "Good luck with that."

Chris Wood, president and CEO of Trout Unlimited, said that he's supportive of the initiative and that he hopes the Biden administration will come out with a more fully formed policy and restoration agenda that provides a map for achieving those goals.

Addressing the Navigable Waters Protection Rule needs to be first on that to-do list, he said. Without that, the whole effort could be compromised, Wood added.

"Before you build a house, you have to make sure the foundation is strong," said Wood. "The Clean Water Act is the predicate upon which 30x30 and any other conservation effort of any other administration should rest."

Freshwater biodiversity concerns

Bruce Stein, chief scientist and associate vice president for the National Wildlife Federation, said the Trump-era rule is indeed "a huge deal," but it's not the only thing that matters.

Stein said that the "America the Beautiful" effort is high level and doesn't include many specific actions but that any plan that seeks to stabilize biodiversity loss is going to have to focus on freshwater systems.

"Freshwater biodiversity species are disproportionately at risk compared to terrestrial," he said.

Stein said portions of the report are tied to aquatic language, including a call to expand collaborative conservation of fish and wildlife habitats and corridors, and a mention of state wildlife action plans, which are focused on proactive conservation of at-risk species.

"In many states, a lot of that work is focused on freshwater aquatic systems, and again that's because freshwater species are so disproportionately impaired compared to many others," he said.

Stein also noted the plan focuses on jobs tied to restoration and resilience, and that includes watershed restoration.

"Yes, WOTUS has to be fixed, we think, in order to really fully protect wetlands," he said. "But conservation and restoration opportunities for fresh water goes well beyond that."

The Biden administration is also trying to find a way through the plan to productively and voluntarily engage private landowners, a sector that's going to be the most skeptical, he said, pointing to early attacks on the 30x30 effort even before it was released.

Trout Unlimited's Wood said the focus needs to be on healthy and functioning ecosystems, especially as it pertains to climate change and resilience. What's most critical, he said, is that those ecosystems can store, catch and slowly release water to protect against flooding.

Other groups also expressed support for the plan and called for action on WOTUS.

Amy Kober, a spokesperson for American Rivers, said the group applauds the Biden administration's effort and believes rivers and fresh water must be a priority, given the multitude of economic, public health, ecosystem and climate resilience benefits.

"One important component should be a strong resolution to the protection of the nation's critical small streams and wetlands through waters of the U.S.," she said.

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