

Workshop to Explore Opportunities to Integrate the State Wildlife Action Plans into Improved Wetland Conservation and Restoration

**Conference Summary Report
July 16-17, 2007**

**Carnegie Endowment for International Peace Conference Center
Washington, DC**

Hosted by:

**Association of Fish and Wildlife Agencies
Association of State Wetland Managers
Environmental Law Institute
U.S. Environmental Protection Agency**

Sponsored by:

U.S. Environmental Protection Agency





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I. Executive Summary

On July 16-17, 2007, the Environmental Law Institute (ELI), Association of Fish and Wildlife Agencies, Association of State Wetland Managers, and U.S. Environmental Protection Agency hosted the *Workshop to Explore Opportunities to Integrate the State Wildlife Action Plans into Improved Wetland Conservation and Restoration* at the Carnegie Endowment for International Peace Conference Center in Washington, DC. The workshop was supported by a generous grant from the U.S. Environmental Protection Agency.

The goal of the workshop was to **advance state wetland conservation, research, and management activities by identifying opportunities for state wetland programs to utilize the state wildlife action plans in regulatory and non-regulatory decision-making.** During the two-day meeting, participants, which included managers from state wetland programs and state wildlife agencies, representatives from nongovernmental conservation organizations, and staff from federal natural resource agencies, as well as various other members of the conservation community, identified and discussed opportunities for collaboration among state wetland programs and state wildlife programs. Several key ideas emerged:

1. Wildlife action plans should be used to inform state wetland restoration and acquisition efforts.
2. Elements of state wetland and state wildlife monitoring and assessment programs should be integrated.
3. State wildlife action plans contain information that should be used to build public awareness for wetland conservation.
4. State wildlife action plans can inform wetland-related permit decision-making.
5. Wetland permittees (e.g., landowners, agencies, and developers) should reference information in the state wildlife action plans when designing projects and developing wetland permit applications.
6. State wildlife action plans may be used to identify high quality mitigation sites.
7. State wetlands and wildlife program staff should work together to identify coinciding goals and priorities and should partner to secure or leverage funding to pursue priority projects.
8. Future updates to the state wildlife action plans should incorporate state wetland programs goals and considerations.

It is important to note, however, that state wildlife action plans and state wetland programs vary widely from state to state in their structure, approach, and implementation. Thus, opportunities for collaboration—and limitations—will vary from state to state. State wildlife

action plan coordinators and state wetland program staff should establish a process for regular communication in order to fully explore these opportunities within their own states.

In this report, we first discuss meeting goals and objectives, as well as the background and history that motivated the meeting (*II. Introduction* and *III. Background*). We then assess potential areas of collaboration in a review of the 50 states' wildlife action plans and wetland programs (see *IV. State Snapshots*). In section *V. Meeting Findings and Recommendations*, we summarize the most promising opportunities identified by meeting participants, as well as the limitations and considerations associated with each identified opportunity. Finally, section *VI. Next Steps for States* discusses how state wetland program managers and state wildlife action plan coordinators should initiate partnerships. Section *VII. Appendix* provides materials from the meeting (the list of participants and the agenda), as well as some additional resources on state wetland programs and state wildlife action plans. Additional information is also available on the meeting website:

<http://www2.eli.org/research/events/jointmeeting>.

ELI's *Workshop to Explore Opportunities to Integrate the State Wildlife Action Plans into Improved Wetland Conservation and Restoration* revealed great potential for programmatic collaboration and partnership with respect to statewide wetland conservation. State wildlife programs and state wetland programs should closely examine the findings of this report and establish formal relationships and regular channels of communication to develop and pursue the full range of identified opportunities.

II. Introduction

On July 16-17, 2007, the Environmental Law Institute (ELI), Association of Fish and Wildlife Agencies, Association of State Wetland Managers, and U.S. Environmental Protection Agency (EPA) hosted the *Workshop to Explore Opportunities to Integrate the State Wildlife Action Plans into Improved Wetland Conservation and Restoration* at the Carnegie Endowment for International Peace Conference Center in Washington, DC. The workshop was supported by a generous grant from the U.S. Environmental Protection Agency. Workshop participants included managers from state wetland programs and state wildlife agencies, representatives from nongovernmental conservation organizations, and staff from selected federal natural resource agencies, as well as other key members of the conservation community (see *VII. Appendix*).

The goal of the workshop was to advance state wetland conservation, research, and management activities by identifying opportunities for state wetland programs to utilize the state wildlife action plans in regulatory and non-regulatory decision-making.

The specific objectives of the meeting were to:

- ❖ Improve knowledge among state wetland program staff of the state wildlife action plans;
- ❖ Improve knowledge among state wildlife program staff of existing state wetland programs and activities; and
- ❖ Identify shared opportunities to support wetlands conservation among state wetland and wildlife programs, including:
 - ❖ How existing wetland programs might be harnessed to support implementation of the state wildlife action plans, and
 - ❖ How the state wildlife action plans can be used to guide and enhance non-regulatory decision-making among state wetland programs, as well as to improve or better inform existing regulatory decision-making among state wetland programs.

III. Background

In 2001, Congress created the Wildlife Conservation and Restoration Program and State Wildlife Grants Program to prevent wildlife from becoming endangered. As part of the effort, each state and territory developed a wildlife action plan to proactively conserve wildlife and critical habitat. Every state and territory submitted their plan to the U.S. Fish and Wildlife Service for review and approval in October 2005. As of 2007, plans from each state and territory had been approved. The development of the 56 state wildlife action plans is marshalling habitat conservation information to an extent unmatched by any prior planning effort. The plans have tremendous potential to inform and support conservation action in many areas, including wetlands conservation. However, with few exceptions, state wetland program managers are largely unaware of the wildlife action plans as a potentially powerful resource, or do not have a clear sense of how the plans can inform and support regulatory and non-regulatory decision-making regarding statewide conservation goals.

In 2006, EPA provided funding to support the *Workshop to Explore Opportunities to Integrate the State Wildlife Action Plans into Improved Wetland Conservation and Restoration* in order to raise awareness among state wetland program managers of the potential opportunities provided by the state wildlife action plans and to identify specific opportunities for the state wildlife action plans to support wetland conservation efforts. As part of the meeting preparation, ELI conducted a review of 50 state wildlife action plans in order to evaluate the extent to which the plans contained data and/or strategies targeted toward conservation of wetland habitats and to identify states where collaboration among state wetland programs and wildlife agencies was already occurring. The results of this review are summarized in the next section (see *IV. State Snapshots*, below).

With funding from EPA, ELI has also conducted a comprehensive study of state wetland programs. Wetland program protection varies greatly from state to state, both in terms of approach and comprehensiveness. ELI's study examines the "core elements" of a comprehensive state wetland program, as identified by EPA (see <http://www.epa.gov/owow/wetlands/initiative/fy02elements.html>), including: state laws, regulations, and programs; monitoring and assessment; restoration programs and activities; water quality standards; public-private partnerships; and coordination among state and federal agencies. ELI's study also examines states' wetland-related education and outreach activities. The results of this study relevant to the goals and objectives of the July meeting are also presented in the next section (see *III. State Snapshots*, below). (Individual state narratives are available on ELI's Wetlands Program website at: <http://www2.eli.org/research/wetlands>. A final report summarizing the status of and trends among all 50 state wetland programs is in preparation and will be available on ELI's website late in 2007.)

Design of the meeting agenda and assembly of the list of invitees was guided by ELI's respective reviews of the state wildlife action plans and state wetland programs, as well as input from our co-hosts of the meeting, Association of Fish and Wildlife Agencies, Association of State Wetland Managers, and EPA. The final agenda and list of meeting participants included in section *VII. Appendix*.

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This report represents our efforts to summarize discussions and highlight key opportunities for collaboration identified by meeting participants. ELI continues to work closely with Association of Fish and Wildlife Agencies, Association of State Wetland Managers, EPA, and meeting participants to identify and pursue opportunities to integrate the state wildlife action plans into statewide wetland conservation strategies. Five broad areas of collaboration emerging from the meeting presentations and discussions include: mapping, monitoring and assessment, acquisition and restoration, education and outreach, and regulatory decision-making. ELI plans to play a role in helping states to pursue and implement these ideas.

Additional materials from ELI's *Workshop to Explore Opportunities to Integrate the State Wildlife Action Plans into Improved Wetland Conservation and Restoration*, including presentations and informational background documents and websites, are available on ELI's website at: <http://www2.eli.org/research/events/jointmeeting>.

IV. State Snapshots

Because both the state wildlife action plans and state wetland programs vary widely from state to state in their structure, approach, and implementation, opportunities for collaboration vary from state to state. In 2007, ELI conducted a review of the 50 state wildlife action plans to assess whether and to what degree wetland-specific conservation strategies and tasks are identified in the plans. The purpose of this review was to identify the most promising opportunities to integrate the state wildlife action plans into ongoing state wetland conservation efforts and to share these findings with state wetland program managers. In addition, between 2003 and 2007, ELI profiled each of the 50 state wetland programs, examining the “core elements” of a comprehensive state wetland program, as identified by EPA. Relevant results from both reviews—the state wildlife action plan review and state wetland program study—represent the areas of greatest potential for collaboration among programs and are summarized below. The next section, *V. Meeting Findings and Recommendations*, describes these key opportunities for collaboration in greater detail, including programmatic needs for integration and next steps, as discussed by meeting participants at the July workshop.

Please note that individual state wildlife action plans may be accessed at: <http://www.wildlifeactionplans.org/>. Individual profiles of state wetland programs from ELI’s study may be accessed on ELI’s website at: <http://www2.eli.org/research/wetlands>.¹

A. Wetlands as Key Habitats

ELI examined the 50 state wildlife action plans to assess broadly whether they include actions and strategies directed toward wetlands, as well as data and/or maps on wetland habitats. ELI found that:

- ❖ 47 of the 50 state wildlife action plans (94 percent) identify wetlands as key habitats.

For example, Washington State’s Comprehensive Wildlife Conservation Strategy identifies and prioritizes Habitats of Conservation Concern, including riparian-wetlands, herbaceous wetlands, and montane coniferous wetlands, among others.

- ❖ 37 of the 50 state wildlife action plans (74 percent) include maps that identify wetland habitat.

For example, Michigan’s Wildlife Action Plan identifies and maps several types of inland and coastal wetlands and waters, including bogs, inland emergent wetlands, submergent wetlands, fens, ephemeral wetlands, swamps, and ponds, among others. Maps are organized by region.

¹ Association of State Wetland Managers (ASWM) has also constructed a website providing information on core wetland program elements for many of the fifty states. Completed state program summaries, posted in a standardized format that may be revised and expanded over time, can be found at <http://www.aswm.org/swp/statemainpage9.htm>. The ELI and ASWM reports address wetland programs from somewhat different and complimentary perspectives.

- ❖ 26 of the 50 state wildlife action plans (52 percent) include an inventory of wetland habitats.

For example, Hawaii's Comprehensive Wildlife Conservation Strategy, organized by island, identifies specific wetland habitats, wetland species of concern, reasons for wetlands' priority designation, and needed conservation actions.

- ❖ 49 of the 50 state wildlife action plans (98 percent) identify threats to wetland habitat.

For example, New Hampshire's Wildlife Action Plan includes profiles for each of the state's habitats, including multiple types of wetlands. Profiles include an assessment of major threats.

- ❖ 44 of the 50 state wildlife action plans (88 percent) outline or describe wetland habitat management goals and priorities.

For example, Delaware's Wildlife Action Plan lists and describes specific management actions for each of the state's key habitats, including several types of wetlands.

B. Land Acquisition and Restoration Strategies for Wetlands

ELI examined the 50 state wildlife action plans to assess broadly whether they include actions and strategies for acquisition and restoration of wetlands. ELI found that:

- ❖ 40 of the 50 state wildlife action plans (80 percent) list or describe acquisition of wetlands as an approach to achieving wildlife conservation objectives.

Furthermore, of those 40 states:

- ❖ 26 describe partnerships with other programs, agencies, or organizations in their approach,
- ❖ 15 include a prioritization of wetland areas in their approach, and
- ❖ 10 specify how wetland-related acquisition projects will be funded.

For example, Georgia's Comprehensive Wildlife Conservation Strategy specifically discusses the importance of "geographically isolated" wetlands that may fall outside Clean Water Act jurisdiction, recommending that the Georgia Department of National Resources and other wildlife conservation organizations identify and target these lands for protection through fee-simple acquisition or conservation easements. The plan also lists potential partners, prioritizes wetland areas for protection, and describes multiple wildlife habitat funding sources, including those that may be used for acquisition projects.

- ❖ 46 of the 50 state wildlife action plans (92 percent) list or describe wetland restoration as an approach to achieving wildlife conservation objectives.

Furthermore, of those 46 states:

- ❖ 25 describe partnerships with other programs, agencies, or organizations in their approach,

- ❖ 22 include a prioritization of wetland areas in their approach, and
- ❖ 7 specify how wetland restoration projects will be funded.

For example, Vermont's Wildlife Action Plan profiles several types of wetlands, as well as other habitat types. Profiles often include recommendations on restoration, identify partners, and list potential funding sources for restoration projects.

ELI also examined each of the 50 state wetland programs and activities to assess broadly whether and to what extent they conduct wetland restoration. ELI found that:

- ❖ 36 states (72 percent) operate a formal, state-level wetland restoration program, and
- ❖ 19 states (38 percent) prioritize lands and waters for restoration.

For example, Arkansas is conducting a multi-agency, state-wide effort to prioritize wetlands for restoration and protection. Through GIS analysis, priority areas for restoration and protection are identified on a watershed or regional basis. Ranking depends on characteristics such as fundamental structure and proximity of the land to other topographical features. Priority areas are then identified and discussed in Wetland Planning Area reports, which may then be referenced by state natural resource planners for their conservation efforts.

C. Monitoring and Assessment Strategies for Wetlands

ELI examined the 50 state wildlife action plans to assess broadly whether they include actions and strategies for wetland monitoring and assessment. ELI found that:

- ❖ 20 of the 50 state wildlife action plans (40 percent) include a wetland-specific habitat assessment methodology.

For example, Pennsylvania's Comprehensive Wildlife Conservation Strategy describes various monitoring and assessment activities as "conservation actions" and "prioritized implementation actions," including the development of a standardized protocol to periodically assess wetlands to identify trends and detect changes in condition of wetland habitats. Other activities identified in the plan include: an assessment of the impacts of groundwater/surface water withdrawal on priority habitat sites and species, habitat assessment for wetland-related species identified in the plan, assessment of temporal changes in wetland habitat availability, and assessment of wetland habitat quality (including an examination of reproductive output of wetland-associated birds or other easily-detected species).

- ❖ 38 of the 50 state wildlife action plans (76 percent) include a strategy for monitoring wetland habitats.

For example, New Jersey's Wildlife Action Plan calls for monitoring of the efficacy of habitat management, habitat restoration, and invasive species control projects, including those related to wetlands. The plan also discusses collaboration with the New Jersey Department of Environmental Protection to monitor water quality and aquatic communities.

- ❖ 30 of the 50 state wildlife action plans (60 percent) reference other, ongoing wetland monitoring programs.

For example, Minnesota's plan, Tomorrow's Habitat for the Wild & Rare: An Action Plan for Minnesota's Wildlife, discusses the importance of long-term monitoring for identified "species of greatest conservation need," but also acknowledges the difficulties inherent in monitoring each of the 292 species identified in the plan (e.g., changing technology, limited resources). In order to implement an effective monitoring strategy for all species of concern, the plan lists several measures, including collaboration with the state's existing wetland monitoring program.

ELI also examined each of the 50 states' wetland programs and activities to assess broadly whether and to what extent they have developed monitoring and assessment programs. ELI found that:

- ❖ 31 states (62 percent) have adopted wetland assessment methodologies, and
- ❖ 17 states (34 percent) have established and maintain wetland monitoring/assessment programs.

For example, Minnesota has adopted various wetland assessment methodologies, including the Minnesota Routine Assessment Method for Evaluating Wetlands and Index of Biological Integrity. The state is also developing a hydrogeomorphic functional assessment methodology. Assessments are used to classify wetlands for regulatory purposes and for monitoring wetland quality. Minnesota also has developed a statewide wetland monitoring strategy, the Comprehensive Wetlands Assessment, Monitoring, and Mapping Strategy, that is implemented by three state agencies.

D. Strategies for Wetlands Involving Regulatory Programs

ELI examined the 50 state wildlife action plans to assess broadly whether they include actions and strategies that reference existing, wetland-related, regulatory programs (e.g., state wetland permit programs, Clean Water Act §404 programs). ELI found that:

- ❖ 30 of the 50 state wildlife action plans (60 percent) list conservation actions to protect and restore wetland habitat through wetland-related regulatory programs.

For example, Louisiana's Comprehensive Wildlife Conservation Strategy includes working with wetland-related regulatory programs among its recommended conservation actions for wetlands. For freshwater marsh habitats, the plan calls for the Louisiana Department of Wildlife and Fisheries to work with the U.S. Army Corps of Engineers ("Corps") to develop better strategies for the placement of dredge materials for restoration. For saltwater marsh habitats, the plan calls for the Department to review its oversight of wetland-related permitting by other state agencies, specifically, to enforce construction specifications and recommendations contained within wetland-related permits.

ELI also examined each of the 50 states' wetland programs and activities to assess broadly how wetlands are regulated at the state level. ELI found that:

- ❖ 21 states (42 percent) rely exclusively on §401 water quality certification for federal permits and licenses that affect wetlands that qualify as “state waters,”
- ❖ 2 states (4 percent), Michigan and New Jersey, have assumed the §404 program under the Clean Water Act, and
- ❖ 27 states administer state wetland permit programs (apart from §401/404).

For example, under its Dredge and Fill in Wetlands Act, New Hampshire has a permitting program for all wetlands in the state. Other states have adopted permitting programs for certain types of wetlands (e.g., coastal wetlands), but rely on §401 certification for statewide protection of wetlands. For example, California and Georgia require permits for activities in coastal wetlands, but also require §401 certification for regulated activities in all wetlands.

E. Research Strategies for Wetlands

ELI examined the 50 state wildlife action plans to assess broadly whether they include actions and strategies for wetland-related research. ELI found that:

- ❖ 43 of the 50 state wildlife action plans (86 percent) list and/or describe wetland-related research among its recommended conservation actions.

Furthermore, of those 43 states:

- ❖ 18 describe partnerships with other programs, agencies, or organizations in their research strategies, and
- ❖ 10 specify how wetland research will be funded.

For example, Nevada's Wildlife Action Plan identifies research needs for key habitat, including wetlands. Recommended research includes a study of the impact of groundwater withdrawal, examination of effective methods of restoration and invasive control, and research on the effects of contamination. Each key habitat lists existing conservation strategies, percentage of federal/state/private ownership, and potential partners.

F. Education and Outreach Strategies for Wetlands

ELI examined the 50 state wildlife action plans to assess broadly whether they include wetland-related education and outreach strategies. ELI found that:

- ❖ 10 of the 50 state wildlife action plans (20 percent) outline “public awareness,” “education,” and/or “outreach” strategies specific to wetland habitat.

For example, Maine's Comprehensive Wildlife Conservation Strategy organizes its priorities, goals, and objectives by habitat type. Among other tasks, the plan lists implementation of “new and existing

outreach efforts to the general public to gain support for wetland protection” as part of a strategy to reduce and/or eliminate alteration and degradation of wetland habitat for birds.

ELI also examined each of the 50 states’ wetland programs and activities to assess broadly whether and to what extent they conduct wetland-related education and outreach. ELI found that:

- ❖ 5 states (10 percent) have adopted/established a strategic education plan/program that specifically focuses on wetlands,
- ❖ 8 states (16 percent) have adopted/established a general environmental education plan/program that includes wetland-related components, and
- ❖ 32 states (64 percent) conduct various wetland-related education and outreach activities (although they have not adopted/established a formal plan/program).

For example, Wisconsin has adopted wetland-specific education and outreach goals, strategies, and performance measures in its wetlands conservation plan, Reversing the Loss: A Strategy for Protecting & Restoring Wetlands in Wisconsin. Other states have established general environmental education programs that address wetlands to some degree. For example, many states run the Project WET (Water Education for Teachers) workshop that includes some wetland-related components. Finally, most states do not have formal plans or programs, but conduct wetland-related education and outreach activities, such as workshops for local governments, training programs for teachers, and educational brochures for landowners.

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Clearly, programmatic collaboration and partnership, as well as opportunities to leverage funds, exist in several areas of state wetland conservation activities, including mapping, monitoring and assessment, education and outreach, permitting and regulation, and acquisition and restoration. Of course, state wildlife programs and action plans and state wetland programs vary widely from state to state in their structure, approach, and implementation; thus, opportunities for collaboration vary from state to state. In the next section, *V. Meeting Findings and Recommendations*, key opportunities for collaboration emerging from the July workshop’s discussions are described in greater detail, including specific programmatic needs for integration and next steps for states.

V. Meeting Findings and Recommendations

The research described above (see *IV. State Snapshots*) informed the design of the meeting agenda (see *VII. Appendix*), and meeting discussions were organized around similar themes. However, due to the nature of the topics, overlap did occur among discussions. The section below represents ELI's effort to summarize discussions and highlight key opportunities for collaboration identified by meeting participants.

Several key ideas emerged regarding the potential for the state wildlife action plans to guide and enhance statewide wetland conservation strategies and opportunities for partnership and collaboration on existing efforts. Meeting participants discussed the following key opportunities:

1. ***Wildlife action plans should be used to inform state wetland restoration and acquisition efforts.*** Many state wildlife action plans identify sites with restoration potential or areas important for wildlife habitat; may prioritize wetland sites for acquisition and restoration; or provide maps showing restoration potential, important wetland habitats, and/or priority sites. State wetland programs often conduct acquisition and restoration activities but may not have a targeted strategy for identifying suitable sites. State wetland programs may use information from the state wildlife action plans to more efficiently target land acquisition and restoration efforts, thereby protecting priority wildlife habitat.

State wildlife action plans also often identify and describe threats to important wetland habitat. This information could be used indirectly by state wetland programs to identify priority sites for protection and/or restoration.

Each state wildlife action plan identifies wetland habitat differently; some may describe habitat priorities in a narrative, while others provide maps. Some plans do not prioritize habitat, but rather species, and describe their associated habitat. Wetland programs should refer to their state's plan to see how it may best be used to guide restoration- and acquisition-related decision-making. For those plans that do not identify restoration potential, state wildlife staff may consider making this addition in future updates to the plan. Doing so would allow for state wetland programs—as well as other groups focused on protecting and restoring wetlands, such as watershed groups, land trusts, and local governments—to identify important lands to target their restoration dollars. State wildlife coordinators should consult with state wetland programs in future updates to the plans.

Participants at the workshop also raised several important considerations for wetlands and wildlife programs seeking to use state plans to guide restoration and acquisition efforts. Maps that identify potential wetland restoration sites may drive up the cost of land by identifying areas desirable for mitigation.

Another important consideration is that wildlife program goals may not coincide precisely with state wetland program goals, which may result in conflicting restoration priorities. For example, a wildlife program may wish to restore a wetland to provide shallow water habitat for waterfowl and shorebirds, while a wetland program may wish to restore the same wetland to provide deep water habitat for floodwater storage. In any event, state wetland programs and state wildlife programs should also explore complementary actions that work toward both programs' goals.

- 2. *Elements of state wetland and state wildlife monitoring and assessment programs should be integrated.*** Numerous opportunities exist for integrating wetland or water monitoring and assessment programs with wildlife monitoring and assessment programs, or using information within the plans to guide the development of statewide monitoring and assessment strategies. Because wetlands are sometimes a better fit for integration with wildlife monitoring and assessment strategies than conventional water monitoring and assessment programs, state wetland programs may provide a natural bridge between state wildlife programs and state water programs.

Wildlife programs often face their biggest challenges in implementing wildlife monitoring strategies, and integrating wetland monitoring and assessment strategies may facilitate action. Wetland species of concern identified in the state wildlife action plans may be included in state wetland monitoring strategies. In addition, important sites identified in the state wildlife action plan should be included as sites for state wetland monitoring programs. Conversely, many state wildlife action plans identify threats to wetlands, and in some cases specific wetland habitats, that may be used in the development of wetland monitoring strategies. Plans may also suggest indicators that will inform wetland condition. States that have formed wetland monitoring councils should include members from both disciplines in order to address multiple goals and concerns.

Workshop participants also identified additional sources of data for both state wetland programs and state wildlife programs seeking to build integrated monitoring and assessment strategies. Many joint ventures have collected valuable wetland data. The U.S. Department of Agriculture - Natural Resources Conservation Service's National Resources Inventory may also provide a significant source of data.

Participants at the workshop also raised several important considerations. For example, state wetland programs may be more interested in probabilistic sampling to assess general conditions and trends (i.e., ambient characterization), while wildlife programs may prefer more targeted monitoring (i.e., diagnostic characterization). Furthermore, in some states such as California, multiple monitoring efforts may already be underway and at different stages of development, posing further challenges for integration.

3. **State wildlife action plans contain information that should be used to build public awareness for wetland conservation.** Many state plans identify threats to wetlands, and in some cases, specific wetland habitat. State wetland programs may reference the plans in developing public education campaigns about the value of wetlands and how they may be protected.

Furthermore, communication needs for state wetland programs and state wildlife programs often overlap. Coordinated campaigns that educate the public about the link between wetlands and wildlife may provide programs with an opportunity to make the most of scarce funds for these efforts. For example, one workshop participant identified the Master Naturalist Program as a successful educational program that could provide benefits to both state wetland and state wildlife program efforts.² In addition, nearly every state publishes a wildlife magazine that could be used jointly to build awareness for wetlands and wildlife.

Outreach efforts may also be used to demonstrate a need for funding to state legislatures, granting organizations, and state and federal agencies. Because wetlands and wildlife goals may coincide, state wetlands and wildlife program staff should partner and/or share information that may be used to build support for funding. Future updates to the state wildlife action plans should also include a wetland-related outreach component developed in coordination with states' wetland programs.

4. **State wildlife action plans can inform wetland-related permit decision-making.** Participants at the workshop identified several ways for state wetland program staff to reference plans, and particularly maps contained in the plans, for assessing and issuing state wetland permits or §401 certification for federal permits and licenses that result in impacts to state waters and wetlands. Maps identifying critical wildlife habitat, buffers, or even wetland areas of importance could provide a basis for conditioning and denying §401 certifications. EPA and Corps regulatory staff would also benefit from referencing the plans during the regulatory review process and should coordinate with state staff to do so. State wildlife programs and the U.S. Fish and Wildlife Service may also use state wildlife action plans to issue comments during the §401/404 permitting process. Finally, maps could be integrated into the Corps' ORM [Operations and Maintenance Business Information Link (OMBIL) Regulatory Module] database to augment regulatory decision-making under the §404 program.

Plans could also provide a basis for denying activities that qualify under the Corps' nationwide permits (NWPs) for a particular state and for developing regional conditions for NWPs. Many states have limited information available for making this assessment with respect to wildlife impacts. Similarly, for states with a statewide programmatic general permit (SPGP), conditions may include whether or not a proposed site is identified in the state wildlife action plan.

² See, e.g.: Florida's Master Naturalist Program at <http://www.masternaturalist.ifas.ufl.edu/> and Texas' Master Naturalist Program at <http://masternaturalist.tamu.edu/>. Many states have adapted this program.

Maps or other site-specific information may also assist in assessing whether or not a site is jurisdictional under the Clean Water Act by providing information on ecological connections (i.e., whether or not there is a “significant nexus”) to “waters of the United States.” They may also be used to demonstrate whether a site falls within state jurisdictional waters/wetlands, or what classification a site should receive. For example, state wildlife action plans may identify species of conservation need or wetland areas of importance that may provide a basis for designating waters of outstanding natural resource value, which receive greater protection under state water quality laws.

Workshop participants also raised several considerations for state wetland programs (and other regulatory programs) that seek to improve regulatory decision-making by referencing the plan. Namely, state wildlife action plans may not be intended for regulatory purposes; thus, maps may not delineate wetlands consistently with the state wetland regulatory program or may need to be scaled down. Furthermore, many states specifically stipulate that the plans may not be used for regulatory purposes.

5. ***Wetland permittees (e.g., landowners, agencies, and developers) should reference information in the state wildlife action plans when designing projects and developing wetland permit applications.*** If landowners can reference data from the plans when designing a project (before submitting a wetland permit application), they may avoid and minimize impacts to wetlands and species of concern to a greater extent. This may ultimately reduce the length of the regulatory decision-making process. In New Hampshire, permit applicants are required to access data from the state’s wildlife action plan (available in the form of an online query tool from the state’s Natural Heritage Bureau) before submitting wetland permit applications.

6. ***State wildlife action plans may be used to identify high quality mitigation sites.*** Many state wildlife action plans: identify sites with restoration potential or areas important for wildlife habitat; prioritize wetland sites for acquisition and restoration; or provide maps showing restoration potential, important wetland habitats, and/or priority sites. These resources may be used by wetland permittees, mitigation bankers, and in-lieu fee programs to identify high quality sites for required compensatory mitigation. Although state and federal agencies do not control where mitigation is sited, they may provide incentives for permittees that site mitigation consistently with the plans. State agencies often serve on Mitigation Bank Review Teams and may encourage prospective bankers to reference the plans in choosing bank sites through this process. The plans may also assist federal and state regulatory agencies in constructing banking service areas. Finally, state agencies often sponsor in-lieu fee programs and may reference the state wildlife action plans in selecting projects. In addition, in-lieu fee programs that have met their mitigation requirements may work with state wildlife agencies to acquire/restore adjacent wetland sites that have been identified as key wildlife habitats in the plans.

Mitigation is sometimes conducted as part of enforcement proceedings for a variety of Clean Water Act violations. For example, restoration may be part of a negotiated settlement or after-the-fact permitting. State wildlife action plans may provide an important resource for identifying restoration sites for required mitigation.

In addition to identifying opportunities for using the plans to assist in mitigation project siting, workshop participants also raised several important considerations. Namely, state wildlife action plans may not be intended for regulatory purposes; thus, maps may not delineate wetlands consistently with the state wetland regulatory program or may need to be scaled down. Mitigation service areas (e.g., river basins or 8-digit cataloguing units) may not coincide with wildlife map boundaries. In addition, many states specifically stipulate that the plans may not be used for regulatory purposes. Finally, state wildlife managers suggested that mitigation should not count toward “success” under the state wildlife action plans because, technically, it compensates for the destruction or degradation of wetlands elsewhere on the landscape.

- 7. State wetlands and wildlife program staff should work together to identify coinciding goals and priorities and partner to secure or leverage funding to pursue priority projects.** Maps identifying priority wetland areas for protection or restoration, habitats or species of concern, wetland areas of importance, or threats to important wetland habitat, should be overlaid with other existing wetland/watershed maps to identify overlapping priorities among state wetland and state wildlife programs. For example, many North Carolina agencies have conducted project prioritizations for individual program purposes (e.g., wildlife protection, watershed restoration, water quality improvement, etc.) Overlaying program priorities would help identify the most important areas for statewide conservation goals.

For example, state wetland programs may already have developed a prioritization of acquisition/restoration projects, but lack the funding to pursue projects. These existing prioritization strategies may be used toward implementation of the state wildlife action plan by adding strength to funding proposals and efforts to lobby state legislatures for restoration and stewardship funds. Washington State developed a statewide wetland restoration/acquisition strategy prior to the development of the state wildlife action plan. The state wildlife action plan has been used toward implementing the existing wetland strategy by providing more opportunities to leverage funding. Similarly, statewide or regional wetland monitoring and assessment efforts may already be underway and may provide a natural platform for collaboration among wetland and wildlife programs.

State non-game programs often partner with other conservation programs to leverage funding. Wildlife programs that do not already collaborate with state wetland programs to secure or leverage funding should explore opportunities to do so. This collaboration could serve many areas of wetland conservation, including restoration and acquisition, monitoring and assessment, education and outreach, and research, among others. In addition, state wetland and wildlife staff, and volunteers associated

with those programs, may also provide expertise, technical assistance, and guidance that could provide in-kind match for project funding.

Workshop participants emphasized the importance of communication among programs in order to integrate efforts. State programs must be aware of the maps and information available from other agencies and organizations, as well as program goals and priorities for conservation, particularly where they coincide. Programmatic collaboration could be facilitated by regular meetings to identify partnership opportunities. For example, the Nebraska Game and Parks Commission convenes quarterly meetings for this purpose; meetings are attended by the state wetland program (Nebraska Department of Environmental Quality), as well as representatives from the Corps and other federal agencies, as appropriate. Additional programs that may be involved in a collaborative effort would vary from state to state, but could include the following:

- ❖ Joint ventures. Many joint ventures have data that could potentially support both state wetland and state wildlife program efforts to restore and protect wetlands.
- ❖ U.S. Army Corps of Engineers. The Corps can reference wildlife priorities for their regulatory, restoration, and planning efforts; in addition, understanding wildlife program priorities for acquisition and restoration may assist in establishing mitigation bank service areas.
- ❖ U.S. Environmental Protection Agency. The EPA has developed watershed priorities. States should share their priorities for restoration/acquisition, monitoring/assessment, research, and education/outreach with EPA regional offices.

Participants at the workshop raised several other important considerations for wetlands and wildlife programs seeking to build partnerships. Namely, program goals may not always coincide precisely, which may result in conflicting priorities for projects. In addition, coordinating multiple efforts that are already underway may pose additional challenges, or may make integration difficult. Nonetheless, numerous opportunities are available to form partnerships that bolster the protection of wetlands among states.

8. ***Future updates to the state wildlife action plans should incorporate state wetland programs goals and considerations.*** The state wildlife action plans represent a new and unprecedented effort. Future updates to plans will provide continued opportunities for collaboration to protect wetlands and wildlife. For example, if a state plan does not already include a map identifying lands with restoration potential or wetlands of ecological importance, state wildlife staff should consider building these into plan updates.

State wildlife planners should identify important members of the wetland conservation community (in addition to state wetland program staff) and evaluate how information

in the plans is presented so that different user groups can use it easily. Communication is essential for state wildlife planners to understand what types of updates may be useful for other groups.

VI. Next Steps for States

State wildlife action plan coordinators and state wetland program staff should establish a process for regular communication. This could be accomplished by using existing networks or by establishing new workgroups, steering committees or teams. Given the numerous opportunities for collaboration described above, staff from each state program could benefit significantly by having a forum to discuss current and future program goals and objectives, availability of data and maps, and funding sources, among other topics. Because every state wildlife action plan and every state wetland program is unique with respect to size, focus, resources, and challenges, it is essential that this discussion take place at the state level. State wildlife action plan coordinators and state wetland staff should jointly identify specific projects or initiatives (e.g., acquisition, restoration, monitoring, habitat management, etc.) that can be pursued jointly over both short- and long-term timeframes. State wetland staff should be made aware of the full range of information and maps developed as part of the state wildlife action plan planning process (the plans themselves may not include all available data). State wildlife action plan coordinators should be aware of state wetland program goals and needs, as well as additional data that may be available, as the plan is being implemented or in future revisions to the plan.

In addition to state wildlife action plan coordinators and state wetland program staff, personnel from other agencies and organizations, such as the EPA regions, Corps districts (planning and regulatory divisions), U.S. Fish and Wildlife Service (National Wetland Inventory), Joint Ventures, other state divisions (natural heritage, water quality, floodplain management), conservation organizations, land trusts, and/or citizen groups, should be invited to participate in the ongoing discussion in order to make the greatest use of state wildlife action plans for wetland conservation.

Section *VII. Appendix* contains more information on state wildlife action plans and state wetland programs, including a list of resources for individual states.

VII. Appendix

A. Additional Resources

More information on State Wildlife Action Plans³

In order to make the best use of the federal funds provided through the Wildlife Conservation and Restoration Program and the State Wildlife Grants Program, Congress charged each state and territory with developing a statewide wildlife action plan. These proactive plans, known technically as “comprehensive wildlife conservation strategies,” will help conserve wildlife and vital natural areas before they become more rare and more costly to protect. As our communities grow, the wildlife action plans will help us fulfill our responsibility to conserve wildlife and the lands and waters where they live for future generations.

Who developed the wildlife action plans?

Primary responsibility for wildlife management has always rested with the states, so they have had the formal authority for developing and implementing the wildlife action plans. State fish and wildlife agencies have developed these strategic action plans by working with a broad array of partners, including scientists, sportsmen, conservationists and members of the community. Working together, with input from the public, these diverse coalitions have reached agreement on what needs to be done for the full array of wildlife in every state.

What do the wildlife action plans look like?

The wildlife action plans are all required to assess the condition of each state’s wildlife and habitats, identify the problems they face, and outline the actions that are needed to conserve them over the long term. Congress directed that the plans must identify and be focused on the species in greatest need of conservation, yet address the full array of wildlife and wildlife-related issues. By drawing together all of the scientific data, the wildlife action plans identify what needs to be done in each state to conserve wildlife and the natural lands and waters where they live—with benefits for both wildlife and people. Each wildlife action plan reflects a different set of local issues, management needs, and priorities, so no two look alike. However, the states have been working together and with the U.S. Fish and Wildlife Service to ensure nationwide coordination. In addition, Congress identified eight required elements to be addressed in each state’s wildlife action plan:

1. *Information on the distribution and abundance of species of wildlife, including low and declining populations as the state fish and wildlife agency deems appropriate, that are indicative of the diversity and health of the state’s wildlife;*
2. *Descriptions of extent and condition of habitats and community types essential to conservation of species identified in (1) above;*
3. *Descriptions of problems which may adversely affect species identified in (1) above or their habitats, and priority research and survey efforts needed*

³ Association of Fish and Wildlife Agencies. About Action Plans. See: <http://www.wildlifeactionplans.org/about/index.html> (2007).

to identify factors which may assist in restoration and improved conservation of these species and habitats;

4. *Descriptions of conservation actions* proposed to conserve the identified species and habitats and priorities for implementing such actions;
5. *Proposed plans for monitoring* species identified in (1) above and their habitats, for monitoring the effectiveness of the conservation actions proposed in (4) above, and for adapting these conservation actions to respond appropriately to new information or changing conditions;
6. *Descriptions of procedures to review the plan* at intervals not to exceed ten years;
7. *Plans for coordinating the development, implementation, review, and revision of the plan with federal, state, and local agencies and Indian tribes* that manage significant land and water areas within the state or administer programs that significantly affect the conservation of identified species and habitats; and
8. *Broad public participation* on developing and implementing these plans, on the projects that are carried out while these plans are developed, and on the species in greatest need of conservation.

What kinds of actions are in the wildlife action plans?

The wildlife action plans identify a variety of actions aimed at preventing wildlife from declining to the point of becoming endangered. By focusing on conserving the natural lands and clean waters that provide habitat for wildlife, the plans have important benefits for wildlife and people. In addition to specific conservation projects and actions, the plans describe many ways we can educate the public and private landowners about effective conservation practices. Finally, the plans also identify the information we need in order to improve our knowledge about what kinds of wildlife are in trouble so we can decide what action to take.

Action plans with deliverable results

What makes the state wildlife action plans different from other plans that have been drafted over the years? A focus on *results for all wildlife in every state*. These plans are proactive and address the needs of all wildlife in every state. By outlining the steps that need to be taken now, the action plans can save us money over the long term. Taken together, they create – for the first time – a nationwide approach to keeping wildlife from becoming endangered.

Completed and approved wildlife action plans for each state, as well as contact information for each state’s wildlife action plan coordinator, are available at: www.wildlifeactionplans.org.

More Information on State Wetland Programs

Wetlands in the United States are regulated and protected through a variety of federal, state, and local laws and regulations, as well as through the actions and initiatives of governmental

agencies, nongovernmental organizations, universities and schools, and citizens. The efforts of these groups are often intended to complement each other, and many rely upon planning and science in their design and implementation. Other approaches to wetland protection are the result of circumstance and incremental program development that have evolved organically over time. State wetland programs are no exception, taking a variety of approaches to wetland regulation and protection.

ELI's study

ELI is currently conducting a multi-phased study designed to describe and analyze seven "core" components of state wetland programs: state laws, regulations, and programs; monitoring and assessment; restoration programs and activities; water quality standards; public-private partnerships; coordination among state and federal agencies; and education and outreach activities. Each phase of the study examines a cross-section of states representing various approaches to wetland protection and regulation, as well as geographic diversity.

- ❖ *State Wetland Program Evaluation: Phase I*, released in 2005, includes profiles of Arizona, Arkansas, Colorado, Georgia, Maine, Michigan, Missouri, New York, North Carolina, Ohio, Pennsylvania, and Washington. The report is available for free download on ELI's website at http://www.elistore.org/reports_detail.asp?ID=11079.
- ❖ *State Wetland Program Evaluation: Phase II*, released in 2006, includes profiles of Florida, Hawaii, Montana, Nebraska, New Jersey, Oregon, Rhode Island, Texas, Utah, Vermont, West Virginia, and Wisconsin. The report is available for free download on ELI's website at http://www.elistore.org/reports_detail.asp?ID=11152.
- ❖ *State Wetland Program Evaluation: Phase III*, released in 2007, includes profiles of Alabama, California, Connecticut, Idaho, Illinois, Iowa, Kentucky, Louisiana, Maryland, New Mexico, South Dakota, Virginia, and Wyoming. The report is available for free download on ELI's website at http://www.elistore.org/reports_detail.asp?ID=11215.
- ❖ *State Wetland Program Evaluation: Phase IV*, anticipated for completion in 2007, will profile the remaining 13 states: Alaska, Delaware, Indiana, Kansas, Massachusetts, Minnesota, Mississippi, New Hampshire, Nevada, North Dakota, Oklahoma, South Carolina, and Tennessee. The report will be available for free download on ELI's website.

ELI also plans to conduct analysis and provide an overview of the status of and trends among all 50 state wetland programs in 2007-2008. Final reports will be posted on ELI's Wetlands Program webpage, as they are available, at: <http://www2.eli.org/research/wetlands.htm>. The study is made possible through support from the EPA.

ASWM's study

Association of State Wetland Managers (ASWM) is constructing a website providing information on the core wetland program elements for each of the fifty states.

Completed state program summaries, posted in a standardized format that may be revised and expanded over time, can be found at <http://www.aswm.org/swp/statemainpage9.htm>.

Additional information from EPA

EPA also provides information both about and for state wetland programs, including:

- ❖ State, tribal, and local initiatives: <http://www.epa.gov/owow/wetlands/initiative/>;
- ❖ Landowner assistance and stewardship: <http://www.epa.gov/owow/wetlands/landasst.html>;
- ❖ Water quality and 401 certification: <http://www.epa.gov/owow/wetlands/waterquality/>;
- ❖ Monitoring and assessment: <http://www.epa.gov/owow/wetlands/monitor/>; and
- ❖ Wetland programs across the country: <http://www.epa.gov/owow/wetlands/regions.html>.

Other Links of Interest

- ❖ Association of Fish and Wildlife Agencies: <http://www.fishwildlife.org/>;
- ❖ Association of State Wetland Managers: <http://www.aswm.org/>;
- ❖ Teaming With Wildlife: <http://teaming.com/>; and
- ❖ U.S. Environmental Protection Agency - Wetlands Division: <http://www.epa.gov/owow/wetlands/>.

B. Workshop Agenda

Workshop to Explore Opportunities to Integrate the State Wildlife Action Plans into Improved Wetland Conservation and Restoration

Date:

Monday & Tuesday July 16 & 17, 2007

Location:

Carnegie Endowment for International Peace Conference Center
Choate Room
1779 Massachusetts Avenue, NW
Washington, DC 20036

Hosted by:

Association of Fish and Wildlife Agencies
Association of State Wetland Managers
Environmental Law Institute
U.S. Environmental Protection Agency

DAY ONE – MONDAY JULY 16, 2007

- 8:30 – 9:00 Registration & Continental Breakfast (provided)
- 9:00 – 9:20 Welcome
- *Rob Wood, U.S. Environmental Protection Agency*
 - *Mark Shaffer, Doris Duke Charitable Foundation*
- 9:20 – 9:40 Introductions, Objectives, Agenda & Housekeeping
- *Roxanne Thomas, Environmental Law Institute (Facilitator)*

Session I: Background

- 9:40 – 10:05 Introduction to State Wildlife Action Plans
- *Dave Chadwick, Association of Fish and Wildlife Agencies*
- 10:05 – 10:25 Question & Answer
- 10:25 – 10:45 BREAK
- 10:45 – 11:10 Introduction to State Wetland Programs
- *Jeanne Christie, Association of State Wetland Managers*
- 11:10 – 11:30 Question & Answer
- 11:30 – 11:50 Overview of Funding Vehicles for State Wildlife Agencies, State Wildlife Action Plans and State Wetland Programs
- *Dave Chadwick, Association of Fish and Wildlife Agencies*
 - *Romell Nandi, U.S. Environmental Protection Agency*
- 11:50 – 12:00 Question & Answer

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12:00 – 12:30 LUNCH (provided)

Session II: Shared Opportunities & Program Needs

12:30 – 12:40 Introduction to Session II

- *Jessica Wilkinson, Environmental Law Institute*

12:40 – 2:00

State Wildlife Action Plans: Mapping Efforts

- Snapshot of the States & Session Objectives (5 min.)
Roxanne Thomas, Environmental Law Institute
- Presentation: Where's the Habitat? Wetland Maps and Wildlife Conservation (20 min.)
Steve Sanford, New York Dept. of Environmental Conservation
- Presentation: Wildlife Action Plans and Wetlands: "The Washington Way " (20 min.)
Rocky Beach, Washington Department of Fish and Wildlife
- Question & Answer (10 min.)
- Facilitated Discussion: Opportunities & Needs (25 min.)

2:00 – 2:20

BREAK

2:20 – 3:40

State Wildlife Action Plans: Monitoring & Assessment Strategies

- Snapshot of the States & Session Objectives (5 min.)
Roxanne Thomas, Environmental Law Institute
- Presentation: Elements of a State Wetlands Monitoring Program (20 min.)
Chris Faulkner, U.S. Environmental Protection Agency
Michael Scozzafava, U.S. Environmental Protection Agency
- Presentation: Bogs and Butterflies, Swamps and Salamanders: Integrating Minnesota's Wetland Monitoring Program and Wildlife Action Plan (20 min.)
Doug Norris, Minnesota Department of Natural Resources
- Question & Answer (10 min.)
- Facilitated Discussion: Opportunities & Needs (25 min.)

3:40 – 5:00

State Wildlife Action Plans: Informing Education & Outreach Strategies

- Snapshot of the States & Session Objectives (5 min.)
Roxanne Thomas, Environmental Law Institute
- Presentation: Implementation of the Georgia Wildlife Action Plan: New Directives and Opportunities for Wetland Conservation (20 min.)
Jon Ambrose, Georgia Department of Natural Resources

- Presentation: Integrating Montana's Comprehensive Fish and Wildlife Conservation Strategy with Wetland and Riparian Education and On-the-Ground Habitat Conservation (20 min.)
Tom Hinz, Montana Fish, Wildlife and Parks
- Question & Answer (10 min.)
- Facilitated Discussion: Opportunities & Needs (25 min.)

5:00

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DAY TWO – TUESDAY JULY 17, 2007

8:30 – 9:00 Continental Breakfast (provided)

9:00 – 9:15 Review of Agenda

- *Roxanne Thomas, Environmental Law Institute (Facilitator)*

Session II: Shared Opportunities & Program Needs (cont'd)

9:15 – 10:35 State Wildlife Action Plans: Strategies for Acquisition & Restoration

- Snapshot of the States & Session Objectives (5 min.)
Roxanne Thomas, Environmental Law Institute
- Presentation: Arkansas Wetland Resources Information Management System (20 min.)
Ken Brazil, Arkansas Natural Resources Commission
- Presentation: Implementing Nevada's Wildlife Action Plan: Lockes Ranch Acquisition and Wetlands Restoration (20 min.)
Laura Richards, Nevada Department of Wildlife
- Question & Answer (10 min.)
- Facilitated Discussion: Opportunities & Needs (25 min.)

10:35 – 10:55 BREAK

10:55 – 12:15 State Wildlife Action Plans: Informing Wetland-related Regulatory Decision-making

- Snapshot of the States & Session Objectives (5 min.)
Roxanne Thomas, Environmental Law Institute
- Presentation: Integrating Proactive Planning and Reactive Regulatory Conservation Strategies to Achieve Conservation Goals in New Hampshire (20 min.)
Michael Marchand, New Hampshire Dept. of Fish and Game
- Presentation: Wetland Mitigation Banking and State Wildlife Action Plans (20 min.)
Michael Bean, Environmental Defense
Jessica Wilkinson, Environmental Law Institute

- Question & Answer (10 min.)
- Facilitated Discussion: Opportunities & Needs (25 min.)

12:15 – 12:20 Session II Wrap-up

12:20 – 12:50 LUNCH (provided)

Session III: Next Steps

12:50 – 2:10 Facilitated Discussion: “Gold Nuggets,” Next Steps & Recommendations

2:10 – 2:30 Wrap Up & Closing Statements

- *Dave Stout, U.S. Fish and Wildlife Service*
- *Rob Wood, U.S. Environmental Protection Agency*

2:30 ADJOURN

C. List of Participants

Jason Albritton
The Nature Conservancy, Government Relations
4245 North Fairfax Drive, Suite 100
Arlington, VA 22203
Phone: (703) 841-4105
Fax: (703) 841-7400
Email: jalbritton@tnc.org

Jon Ambrose
Wildlife Action Plan Coordinator
Georgia Department of Natural Resources, Wildlife
Resources Division
2070 US Highway 278 SE
Social Circle, GA 30025
Phone: (770) 761-3035
Email: Jon_ambrose@dnr.state.ga.us

Rocky Beach
Wildlife Action Plan Coordinator/Wildlife Diversity
Division Manager
Washington Department of Fish and Wildlife
600 Capitol Way North
Olympia, WA 98501
Phone: (360) 902-2510
Fax: (360) 902-2162
Email: BEACHRJB@dfw.wa.gov

Michael Bean
Chair, Wildlife Program
Environmental Defense
1875 Connecticut Ave., NW, Suite 600
Washington, DC 20009
Phone: (202) 387-3500 x3312
Email: MBean@environmentaldefense.org

Karen Bennett
Wildlife Diversity Program Manager
Natural Heritage, End. Species & Private Lands
Programs
Division of Fish and Wildlife
Delaware Department of Natural Resources &
Environmental Control
89 Kings Highway
Dover, DE 19901
Phone: (302) 739-9124
Fax: (302) 739-6157
Email: karen.bennett@state.de.us

Ken Brazil
Engineering Supervisor
Arkansas Natural Resources Commission
101 East Capitol, Suite 350
Little Rock, AR 72201
Phone: (501) 682-3980
Email: ken.brazil@arkansas.gov

Dave Chadwick
Senior Program Associate
Association of Fish and Wildlife Agencies
444 North Capitol Street NW, Suite 725
Washington, DC 20001
Phone: (202) 624-5429
Email: chadwick@fishwildlife.org

Jeanne Christie
Association of State Wetland Managers
2 Basin Road
Windham, ME 04062
Phone: (207) 892-3399
Email: jeanne.christie@aswm.org

Denise Clearwater
Special Projects Coordinator
Wetlands and Waterways Program
Maryland Department of the Environment
1800 Washington Blvd.
Baltimore, MD 21230
Phone: (410) 537-3781
Email: dclearwater@mde.state.md.us

Thomas Dahl
Wetlands Status and Trends Coordinator
U.S. Fish and Wildlife Service
555 Lester Ave.
Onalaska, WI 54650
Phone: (608) 783-8425
Fax: (608) 783-8450
Email: tom_dahl@fws.gov

Amy Clark Eagle
Wildlife Action Plan Coordinator
Michigan Department of Natural Resources -
Wildlife
P.O. Box 30444
Lansing, MI 48909-7944
Phone: (517) 241-1406
Fax: (517) 373-6705
Email: eaglea@michigan.gov

Vince Evelsizer
 Wetland Biologist
 Iowa Department of Natural Resources
 109 Trowbridge Hall
 Iowa City, IA 52242
 Phone: (319) 335-1574
 Email: vince.evulsizer@dnr.iowa.gov

Don Faber-Langendoen
 Senior Ecologist,
 Conservation Science Division
 NatureServe
 3467 Amber Road
 Syracuse, NY 13215
 Phone: (315) 673-0921
 Email: don_faber-langendoen@natureserve.org

Chris Faulkner
 U.S. Environmental Protection Agency
 U.S. EPA Headquarters
 Ariel Rios Building
 1200 Pennsylvania Avenue, N.W.
 Mail Code: 4502T
 Washington, DC 20460
 Phone: (202) 566-1185
 Email: faulkner.chris@epa.gov

Joe Henry
 Wisconsin Department of Natural Resources
 2984 Shawano Avenue
 Green Bay, WI 54313
 Phone: (920) 662-5194
 Email: joseph.henry@wisconsin.gov

Tom Hinz
 Montana Wetlands Legacy Coordinator
 Montana Department of Fish, Wildlife, and Parks
 1400 South 19th Ave
 Bozeman, MT 59718
 Phone: (406) 994-7889
 Fax: (406) 994-4090
 Email: thinz@mt.gov

Mark Humpert
 Wildlife Diversity Coordinator
 Nebraska Game & Parks Commission
 2200 North 33rd Street Box 30370
 Lincoln, NE 68503-0370
 Phone: (402) 471-5438
 Email: mark.humpert@ngpc.ne.gov

Kevin Kemp
 Wildlife Action Plan Biologist for Aquatics
 Florida Fish & Wildlife Conservation Commission
 3900 Drane Field Road
 Lakeland, FL 33811
 Phone: (863) 581-3261
 Email: Kevin.Kemp@myfwc.com

Suzanne Klimek
 North Carolina Ecosystem Enhancement Program
 North Carolina Department of Environment and
 Natural Resources
 1652 Mail Service Center
 Raleigh, NC 27699-1652
 Phone: (919) 715-1835
 Fax: (919) 715-2219
 Email: susanne.klimek@ncmail.net

Dean Kwasny
 Senior Wildlife Biologist
 Comprehensive Wetland Habitat Program
 California Department of Fish and Game
 1812 Ninth Street
 Sacramento, CA 95814
 Phone: (916) 445-3486
 Fax: (916) 445-4058
 Email: dkwasny@dfg.ca.gov

Ted LaGrange
 Wetland Program Manager
 Nebraska Game and Parks Commission
 P.O. Box 30370
 Lincoln, NE 68503
 Phone: (402) 471-5436
 Fax: (402) 471-5528
 Email: ted.lagrange@ngpc.ne.gov

Susan Lockwood
 New Jersey Department of Environmental
 Protection
 Division of Land Use Regulation
 501 East State Street
 Trenton, NJ 08625
 Phone: (609) 984-0580
 Email: susan.lockwood@dep.state.nj.us

Michael Marchand
 Wildlife Biologist, Wetland Systems
 Nongame & Endangered Species Program
 New Hampshire Fish & Game Department
 11 Hazen Drive
 Concord, NH 03301
 Phone: (603) 271-3016
 Fax: (603) 271-1438
 Email: michael.n.marchand@wildlife.nh.gov

Maryann McGraw
Wetlands Coordinator
New Mexico Environment Department
P.O. Box 26110
Santa Fe, NM 87502
Phone: (505)827-0581
Email: maryann.mcgraw@state.nm.us

Romell Nandi
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Mail Code 4502T
Washington, DC 20460
Phone: (202) 566-1203
Email: Nandi.Romell@epamail.epa.gov

Doug Norris
Wetland Program Coordinator
Minnesota Department of Natural Resources
500 Lafayette Road, Box 25
St Paul, MN 55155-4025
Phone: (651) 259-5125
Email: Doug.Norris@dnr.state.mn.us

Vinny Pero
U.S. Army Corps of Engineers
33 Grand Valley Avenue
Orwell, OH 44076
Phone: (440) 437-5841
Email: Vincent.D.Pero@Irb01.usace.army.mil

Christy Plumer
Senior Policy Advisor, Fish and Wildlife
The Nature Conservancy, Government Relations
4245 North Fairfax Drive, Suite 100
Arlington, VA 22203
Phone: (703) 841-7426
Email: cplumer@tnc.org

Myra Price
U.S. Environmental Protection Agency
Office of Wetlands, Oceans and Watersheds
Wetlands Division
1200 Pennsylvania Ave., NW (MC: 4502T)
Washington, DC 20460
Phone: (202) 566-1225
Fax: (202) 566-1349
Email: Price.Myra@epamail.epa.gov

Alan Quackenbush
Vermont Wetlands Coordinator
Vermont Department of Environmental
Conservation, Water Quality Division
103 South Main Street, Building 10 North
Waterbury, VT 05671-0408
Phone: (802) 241-3761
Email: alan.quackenbush@state.vt.us

Jim Renn
Illinois Wildlife Action Plan Coordinator
Illinois Department of Natural Resources
Office of Resource Conservation
One Natural Resources Way
Springfield, IL 62702-1271
Phone: (217) 785-5907
Fax: (217) 785-2438
Email: james.renn@illinois.gov

Laura Richards
Wildlife Diversity Chief
Nevada Department of Wildlife
1100 Valley Road
Reno, NV 89512
Phone: (775) 688-1996
Email: lrichard@ndow.org

Jenn Rinehart
Data and Monitoring Coordinator, Comprehensive
Wildlife Conservation Strategy
Wildlife and Freshwater Fisheries
South Carolina Department of Natural Resources
153 Hopewell Road
Pendleton, SC 29670
Phone: (803) 873-0493
Email: rinehartj@dnr.sc.gov

Steve Sanford
Chief, Bureau of Habitat
New York State Dept. of Environmental
Conservation
625 Broadway
Albany, NY 12233
Phone: (518) 402-8924
Fax: (518) 402-8925
Email: sxsanfor@gw.dec.state.ny.us

Mike Schroer
Wildlife Programs Supervisor
Missouri Department of Conservation
PO Box 180
Jefferson City, MO 65102
Phone: (573) 522-4115
Fax: (573) 526-4663
Email: mike.schroer@mdc.mo.gov

Mike Scozzafava
 U.S. Environmental Protection Agency
 USEPA Headquarters
 Ariel Rios Building
 1200 Pennsylvania Avenue, N.W.
 Mail Code: 4502T
 Washington, DC 20460
 Phone: (202) 566-1376
 Email: scozzafava.michaele@epa.gov

Mark Shaffer
 Program Director for the Environment
 Doris Duke Charitable Foundation
 650 Fifth Avenue, 19th Floor
 New York, NY 10019
 Phone: (212) 974-7101
 Email: mshaffer@DDCF.ORG

Gregg Serenbetz
 Office of Wetlands, Oceans and Watersheds
 Wetlands Division
 Environmental Protection Specialist
 U.S. Environmental Protection Agency
 1200 Pennsylvania Ave., N.W. (MC 4502T)
 Washington, DC 20460
 Serenbetz.Gregg@epamail.epa.gov

David Stout
 Division of Habitat and Resource Conservation
 Fisheries and Habitat Conservation
 U.S. Fish and Wildlife Service
 4401 Fairfax Drive, Room 400A
 Arlington, VA 22203
 Phone: (703) 358-2161
 Fax: (703) 358-1869
 Email: dave_stout@fws.gov

Janet Sutter
 Wildlife Action Plan Implementation Coordinator
 Utah Division of Wildlife Resources
 1594 W. North Temple
 Salt Lake City, UT 84114
 Phone: (801) 538-4713
 Email: janetsutter@utah.gov

Mike Sweet
 U.S. Fish and Wildlife Service
 1 Federal Drive
 Ft. Snelling, MN 55111
 Phone: (612) 713-5129
 Email: mike_sweet@fws.gov

Robert K. Wood
 U.S. Environmental Protection Agency
 EPA West Building-Room 7231-C
 1200 Pennsylvania Ave., N.W. (MC 4502T)
 Washington, DC 20460
 Phone: (202) 566-1822
 Fax: (202) 566-1349
 Email: wood.robert@epa.gov

ELI Staff

Austin Kane
 Science & Policy Analyst
 Environmental Law Institute
 2000 L Street, NW, Suite 620
 Washington, DC 20036
 Phone: (202) 939-3243
 Fax: (202) 939-3868
 Email: kane@eli.org

Roxanne Thomas
 Science & Policy Analyst
 Environmental Law Institute
 2000 L Street, NW, Suite 620
 Washington, DC 20036
 Phone: (202) 939-3827
 Fax: (202) 939-3868
 Email: thomas@eli.org

Amanda Martin
 Research Associate
 Environmental Law Institute
 2000 L Street, NW, Suite 620
 Washington, DC 20036
 Phone: (202) 939-3862
 Fax: (202) 939-3868
 Email: martin@eli.org

Jessica Wilkinson
 Senior Science & Policy Analyst
 Environmental Law Institute
 420 Burd Street
 Pennington, NJ 08534
 Phone: (202) 558-3100
 Fax: (202) 939-3868
 Email: wilkinson@eli.org

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Environmental Law Institute

2000 L Street, N.W., Suite 620

Washington, D.C. 20036

Telephone: (202) 939-3800

Fax: (202) 939-3868

www.eli.org

