

PRESERVING GREAT LAKES WETLANDS: AN ENVIRONMENTAL AGENDA



A SUMMARY OF THE FINAL REPORT OF THE GREAT LAKES WETLANDS POLICY CONSORTIUM

An International Consortium of Environmental
and Conservation Organizations

Stephen Brown
Project Coordinator

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Acknowledgements

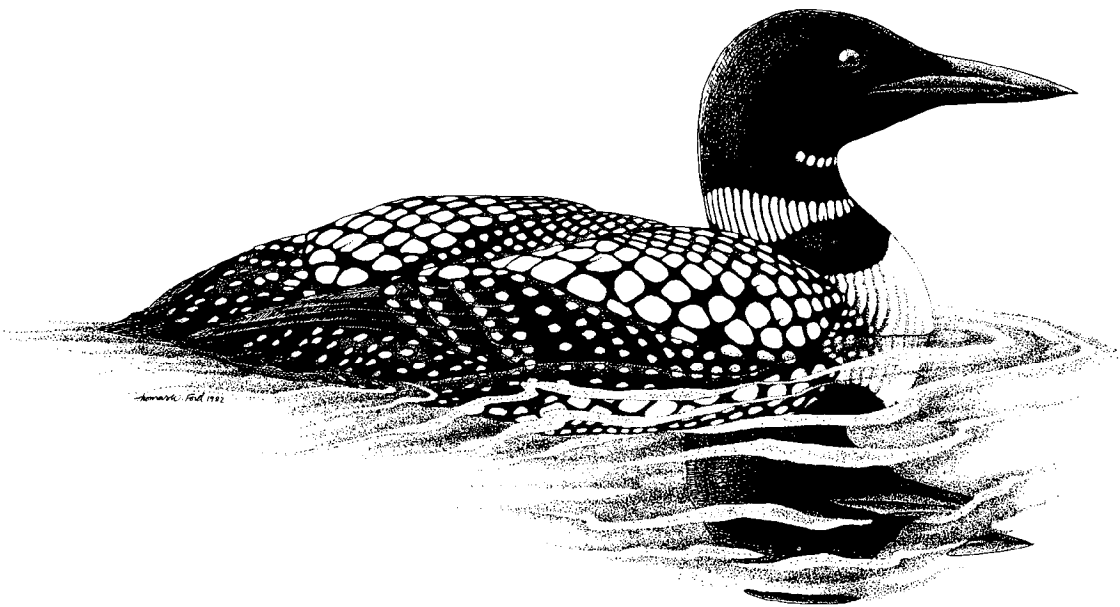
This project was made possible by the support of the Charles Stewart Mott Foundation, and its ongoing commitment to protecting the environment. The success of the project depended on the willingness of the participating organizations to donate significant amounts of staff time and other resources, and the commitment and dedication of the organizational representatives.

Gail Gruenwald, Executive Director of the Tip of the Mitt Watershed Council, oversaw all aspects of the project, from administration and budgeting to wetland policy analysis. Her knowledge and experience were invaluable to the project. Wil Cwikel, Environmental Policy Specialist, and Warren Mayer, Communications Coordinator at the Watershed Council, provided a great deal of input into the final editing and layout of this summary. Michelle Patterson, Office Manager at the Watershed Council, provided extensive support both during and between Consortium meetings. Her patience, good humor, and hard work were much appreciated.

Illustrations by Thomas Ford
Cover Illustration courtesy
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PART ONE: Background Information

Preserving Great Lakes Wetlands: An Environmental Agenda

THE FINAL REPORT OF THE GREAT LAKES WETLANDS POLICY CONSORTIUM



Organizational Members and Their Representatives

This report was prepared by representatives of the following organizations, all of which share a strong interest and commitment to preserving the many values of Great Lakes wetlands, and are engaged in programs to implement the recommendations herein:

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Preserving Great Lakes Wetlands: An Environmental Agenda

THE FINAL REPORT OF THE GREAT LAKES WETLANDS POLICY CONSORTIUM

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Bill Horvath, of the National Association of Conservation Districts; Jan Goldman Carter, of the National Wildlife Federation; Kathryn Hohmann, of the Sierra Club; Leah Haygood, of the Conservation Foundation; Leonard Corin, of the United States Fish and Wildlife Service, and many other staff people with the participating organizations, served as technical experts during the process of drafting the report.

Preserving Great Lakes Wetlands: An Environmental Agenda

THE FINAL REPORT OF THE GREAT LAKES WETLANDS POLICY CONSORTIUM



Background Information

The Great Lakes Wetlands Policy Consortium is an international group which includes the major United States and Canadian environmental and conservation organizations active in wetlands issues in the Great Lakes Basin. The group met during a two year period to develop wetland policy recommendations for the Great Lakes region. Wetland policy within the Basin is complex, and rapidly changing. For this reason, the official positions of some of the participating organizations may differ slightly from some of the recommendations in the report.

This summary of the final report contains the vision statement of the Consortium, a look at the current status of wetlands in the Great Lakes Basin, the recommendations in the full report, and a statement of the efforts underway to implement these recommendations.

The recommendations contained in this report were developed specifically for the Great Lakes region, and are intended to apply to the jurisdictions of the political units within the Basin, including the eight Great Lakes states and Ontario. The Consortium intends these recommendations to apply to all wetlands within this area, including coastal wetlands along the Great Lakes shorelines, as well as inland wetlands.

Most of the recommendations in the report are also applicable to the upper St. Lawrence River Basin in New York state, Ontario, and parts of Quebec. In addition, many of the recommendations on federal policy would be applicable in protecting wetlands outside of the Great Lakes Basin.



Preserving Great Lakes Wetlands: An Environmental Agenda

THE FINAL REPORT OF THE GREAT LAKES WETLANDS POLICY CONSORTIUM

Vision Statement

The Great Lakes ecosystem is critical to the physical and economic well-being of all who live in the Great Lakes Basin or depend on its products and services. Wetlands protect the health of this great ecosystem by improving water quality, supporting the productivity of fisheries, providing habitat for wildlife, and preventing damage from floods and erosion.

Because of the essential link between wetlands and the vitality of the Great Lakes ecosystem, immediate action is necessary to increase the quality and quantity of the Basin's wetlands. To meet this goal, everyone who lives or works in the Basin, and all of the governments whose actions affect the Basin, must take responsibility for protecting and restoring its vital wetland resources.



The Current Status

The wetlands of the Great Lakes Basin are a vital regional resource. They provide a wide range of important values to the residents of the Basin, and are essential to the functioning of the Great Lakes ecosystem. Wetlands provide vital habitat for the fish and wildlife populations of the region. They protect the water quality of lakes and streams by filtering nutrients and pollutants, which makes them critical in our fight for improved water quality and recreational opportunities. Wetlands also play an important role in minimizing damage from flooding and erosion. The region simply cannot afford to lose the economic gains that result from these wetland functions.

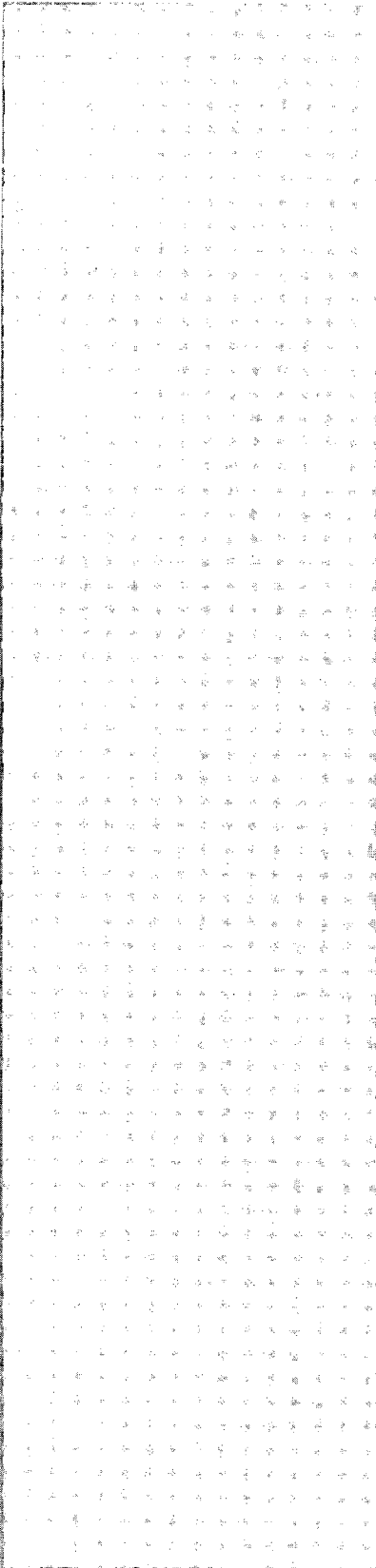
Wetland quantity and quality have dramatically declined since the arrival of the European settlers in the Great Lakes region in the late 1700's. It is difficult to judge the extent of wetland loss since settlement because there is no definitive baseline data to compare with more current figures. But the losses recorded in states and provinces where data exists have been substantial. In areas of southern Ontario, for example, the conversion of wetlands to other uses has exceeded 80% of the original acreage. In Michigan, wetlands have been reduced by up to 70%. For the Great Lakes region as a whole, only about 30% of the original wetlands remain intact.

Protecting this resource is necessary to maintaining a healthy ecosystem and will require a coordinated effort on the part of all levels of government as well as the private and non-profit sectors. The absence of coordination in the past has resulted in irretrievable losses to the Basin's wetland resources. Our remaining wetlands are critical to the protection of the Great Lakes ecosystem. Protecting our wetland resources will require coordinated planning efforts, increased incentives for preservation, improved regulatory programs and better enforcement, expanded restoration efforts, applied research and management to reduce detrimental impacts, increased acquisition of wetlands, and improved educational outreach.



Preserving Great Lakes Wetlands: An Environmental Agenda

THE FINAL REPORT OF THE GREAT LAKES WETLANDS POLICY CONSORTIUM



The following recommendations are directed toward achieving better stewardship of wetlands in the Great Lakes region. They include recommendations to set policy and goals, to inventory and monitor, and to protect and restore wetlands. If these recommendations are implemented, the region will reap significant benefits in the long term.

The Consortium urges public agencies to have the vision and courage to take these needed steps, and urges non-governmental organizations to work diligently toward the protection of wetlands for conservation values.

Protecting wetlands is not a short term expense--it is a long term investment.

PRESERVING GREAT LAKES WETLANDS: AN ENVIRONMENTAL AGENDA



PART TWO: Areas of Opportunity: Recommendations of the Consortium



SECTION A:

Improving Regional Coordination and Planning

Federal policy, state and provincial planning and management, and county, township, and municipal land use decisions together contribute to the maintenance or destruction of wetlands. Often these government actions are taken without adequately assessing the full range of wetland values. Unfortunately, many decisions are made with an eye only to short-term values, and often these values are exclusively economic ones. Non-governmental organizations play a key role in monitoring and reinforcing the actions of government and the private sector.

Wetlands are not unused lands awaiting a higher and better use; rather, wetlands are essential components of the Great Lakes ecosystem. Non-governmental organizations must communicate this fact to members of the public, stir them to action, and keep them motivated.

**Section A-1:
International
Recommendations**

Recommendation 1

The agencies and organizations responsible for implementing the Great Lakes Water Quality Agreement (GLWQA), the Great Lakes Fisheries Convention, the Migratory Birds Convention, the North American Waterfowl Management Plan, and for controlling Great Lakes water levels must integrate their respective activities and plans which affect the protection and management of wetlands.

Recommendation 2

The Great Lakes Water Quality Agreement (GLWQA) should be utilized to protect wetlands. The United States and Canadian federal governments should initiate activities necessary to fulfill their obligation for wetland protection pursuant to Annex 7 and Annex 13 of the existing Agreement. When the GLWQA is next reviewed by both governments, a new Annex dealing specifically with wetlands should be added.



Preserving Great Lakes Wetlands: An Environmental Agenda

THE FINAL REPORT OF THE GREAT LAKES WETLANDS POLICY CONSORTIUM

Section A-2: Recommendations for Provinces, States, and Local Governments

Recommendation 3

The Great Lakes provinces and states should adopt Basin-wide principles for wetland conservation and restoration, as they have done for water supply (the Great Lakes Charter) and toxic substances (the Toxic Substances Control Agreement).

Recommendation 4

Each province and state should prepare comprehensive wetlands plans and enact the legislation and regulation needed to implement the Basin-wide wetlands principles recommended above.

Recommendation 5

The states and provinces should include wetland specialists in Remedial Action Plan (RAP) development teams and encourage wetland protection and restoration in the goals, recommendations, and remedial measures for each area of concern identified by the International Joint Commission.

Recommendation 6

Each local government should review wetland inventories in its jurisdiction and prepare plans and zoning ordinances to protect its wetlands from conversion and from the adverse effects of adjoining land use. Local wetland conservation plans should be consistent with the wetlands plan of the province or state.

Section A-3: Recommendations for Non-Governmental Agencies

Recommendation 7

A network of concerned organizations should be established to coordinate Basin-wide initiatives and to build and carry momentum for wetland protection.

Recommendation 8

Non-governmental organizations should launch a Basin-wide wetlands stewardship program, and assume a leadership role in orchestrating a proactive, coordinated approach to increasing the quality and quantity of Great Lakes wetlands.



SECTION B:

Increasing Incentives for Preservation

The goal of increasing the wetland resources of the Great Lakes cannot be met by government alone. Everyone in the Great Lakes Basin must do whatever is possible to preserve and increase its wetland resource base. Government can, however, encourage private stewardship by creating economic and other kinds of incentives for private conservation of wetlands.

Section B-1: Direct and Indirect Payments

Recommendation 9

Existing programs offering direct payments to landowners who protect and enhance wetlands should be expanded.

Recommendation 10

All levels of government should require permanent easements on wetlands in exchange for direct payment under incentive programs.

Recommendation 11

State, provincial, and local governments should develop or expand programs to purchase development rights and recreational rights for wetlands and adjacent buffer areas.

Recommendation 12

Where appropriate, due to higher land values, governmental entities should develop separate acquisition programs for urban wetlands.

Section B-2: Income and Property Tax Incentives

Recommendation 13

All levels of government should provide property tax relief to landowners who protect wetlands.

Recommendation 14

States and provinces should develop Managed Wetlands Acts, similar to existing forest management acts, that pay part of the local property taxes on wetlands that are preserved and managed by private landowners.



Preserving Great Lakes Wetlands: An Environmental Agenda

THE FINAL REPORT OF THE GREAT LAKES WETLANDS POLICY CONSORTIUM

Section B-2: Income and Property Tax Incentives (continued)

Recommendation 15

All levels of government should provide tax credits for restoration of wetlands.

Recommendation 16

The U.S. federal government should correct problems with existing tax law to increase the income tax incentives for conservation gifts to nonprofit organizations or governmental entities.

Recommendation 17

State tax codes should allow qualified donations of wetland and adjacent buffer lands to governmental or nonprofit entities to be treated as deductions from ordinary income with limits and carry forward provisions allowing the taxpayer(s) to deduct the full value of the wetland and buffer area over time.

Recommendation 18

State natural resource agencies, taxing entities, and departments of agriculture should cooperate to develop their own state "debt for nature" easement program similar to the Farmer's Home Administration program.

Section B-3: Other Incentives

Recommendation 19

Technical assistance and cost sharing should be provided to landowners who restore or enhance wetlands.

Recommendation 20

State, provincial, and local governments should modify property owner liability for landowners who preserve wetlands and make them available for public uses.

Recommendation 21

Award programs recognizing wetland stewardship should be expanded.

Recommendation 22

State, provincial, and local governments should review and amend their subdivision control and planning and zoning laws to incorporate or strengthen wetland protection incentives.



SECTION C: Strengthening Regulatory Programs

Effective regulatory programs are necessary at all levels of government to bring about an increase in the quantity and quality of wetlands in the Great Lakes Basin. In order to accomplish the goal of increasing the wetland base in the Great Lakes region, governments must adopt programs that prohibit destruction of existing wetland ecosystems by regulating activities that alter wetlands and buffer areas surrounding them. The direct and continuing loss of wetlands through filling, draining, excavating, and other activities which degrade or destroy wetlands must stop. The quality and quantity of the Basin's wetlands cannot be increased unless regulatory programs control the loss and degradation of existing wetlands.

The Consortium recommends that regulatory programs should exist at local, state, and federal levels of government in the U.S., and at the local and provincial level in Canada, that meet the general criteria outlined in recommendations 23 through 30. In addition, recommendations 31-40 address specific weaknesses in existing programs and proposed corrections.

Section C-1: Guidelines for All Regulatory Programs

Recommendation 23

Wetland regulations should cover all activities such as channelization, drainage, vegetation removal, excavation, and the discharge of pollutants that may degrade or destroy wetland functions and values.

Recommendation 24

Wetland regulations should apply to all wetlands and to adequate buffer or transitional areas around them.

Recommendation 25

All wetland regulations should utilize the wetland definition and the delineation procedures adopted by the U.S. federal government.



Preserving Great Lakes Wetlands: An Environmental Agenda

THE FINAL REPORT OF THE GREAT LAKES WETLANDS POLICY CONSORTIUM

Section C-1: Guidelines for All Regulatory Programs (continued)

Recommendation 26

The evaluation of the cumulative effects of wetland alteration must be dramatically improved and effectively employed in permitting decisions.

Recommendation 27

Wetland regulatory programs should be designed so that those who propose to alter wetlands carry their fair share of the financial and evidentiary burdens of the application review process.

Recommendation 28

Wetland regulatory programs should consist of permitting standards that first avoid and then minimize wetland impacts, and require compensation for unavoidable impacts. These standards should be applied consistently Basin-wide.

Recommendation 29

Wetland regulatory programs must apply to public and private entities alike.

Recommendation 30

Wetland regulations must contain enforcement provisions that deter violations, and enforcement must be adequately funded and effectively exercised.

Section C-2: Recommendations for Local Regulatory Programs in the U.S.

Recommendation 31

Local units of government should adopt wetland protection ordinances or modify existing ordinances to provide protection offered by the model ordinance developed by the Consortium.

Section C-3: Recommendations for State Regulatory Programs

Recommendation 32

All states in the Great Lakes Basin should adopt comprehensive wetland regulatory programs that meet the requirements outlined above.

Recommendation 33

All states in the Great Lakes Basin should use the Water Quality Certification provisions under Section 401 of the Clean Water Act (33 U.S.C. Sec. 1341) for wetland protection.



**Section C-4:
Recommendations for
the U.S. Federal Program**

Recommendation 34

The Consortium recommends that the current regulatory definition of waters of the United States at 33 C.F.R. 328.3(a) be changed to presume that all waters and wetlands are susceptible to use in interstate commerce.

Recommendation 35

The Nationwide Permit Program should be substantially revised to control ongoing cumulative wetland losses.

**Section C-5:
Recommendations for
Wetland Regulatory
Programs in Canada**

Recommendation 36

The draft Ontario Wetlands Planning Policy Statement must be substantially revised and implemented to provide effective protection for wetlands.

Recommendation 37

All existing statutes and regulations that provide for the protection of wetlands must be used and enforced.

Recommendation 38

Local governments should adopt specific wetland protection strategies through zoning bylaws and official plan designation.

Recommendation 39

The Ontario government must immediately develop effective wetland protection legislation and expedite its implementation.

Recommendation 40

The Ontario government must undergo a full review of the municipal land use planning and review process to ensure that it provides adequate protection for wetlands.



SECTION D:

Ending Government Funding of Wetland Destruction

Wetland regulatory programs are undermined by government financial support of activities that result in wetland destruction. Governments must rectify these contradictory and uncoordinated activities. State and Federal agencies must not provide funding, directly or indirectly, for the activities that they are attempting to control or eliminate through regulation.

Recommendation 41

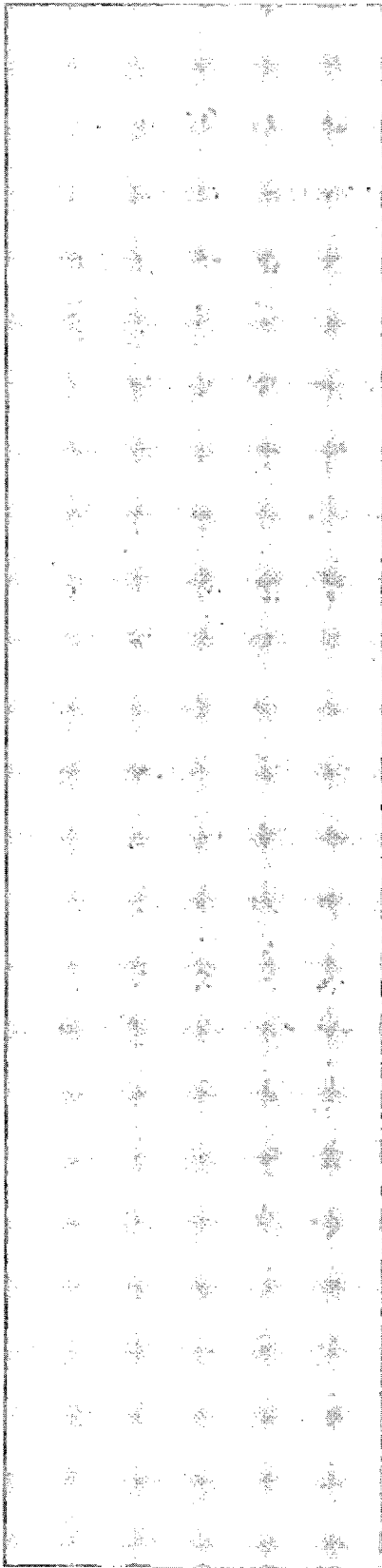
Government agencies should make subsidizing private activities that degrade or destroy wetlands contingent upon an assurance that the recipient has minimized wetland loss resulting from the funded activity.

Recommendation 42

Programs such as the Coastal Barrier Resources Act or Swampbuster that attempt to limit government funding of activities destructive to wetlands and coastal resources should be extended and revised.

Recommendation 43

State and provincial governments should develop new programs to restrict governmental funding for public activities that destroy or degrade wetlands.



**SECTION E:
Expanding Restoration Efforts**

An increase in the quantity and quality of Great Lakes wetland resources can be accomplished through restoration of previously filled, drained or polluted wetlands, and through the creation of wetlands in appropriate places.

To successfully increase the acreage and function of our wetlands, restoration efforts must imitate the hydrology, water quality, and biota of comparable natural wetlands. This can be accomplished by careful planning, siting, and timing of restoration and creation projects, and by taking advantage of the many existing policies and programs throughout the Great Lakes Basin which encourage wetland restoration and creation.

Recommendation 44

Opportunities for wetlands restoration in the Great Lakes Basin should be aggressively pursued and carried out so as to recreate lost wetland functions and values.



Preserving Great Lakes Wetlands: An Environmental Agenda

THE FINAL REPORT OF THE GREAT LAKES WETLANDS POLICY CONSORTIUM

SECTION F:

Improving Management and Research

The Consortium's goal of an increase in wetland quality and quantity cannot be met without careful management. To enhance the quality of existing Great Lakes wetlands, the functions of each wetland site must be identified, and management efforts must support those functions.

Section F-1: Management Needs

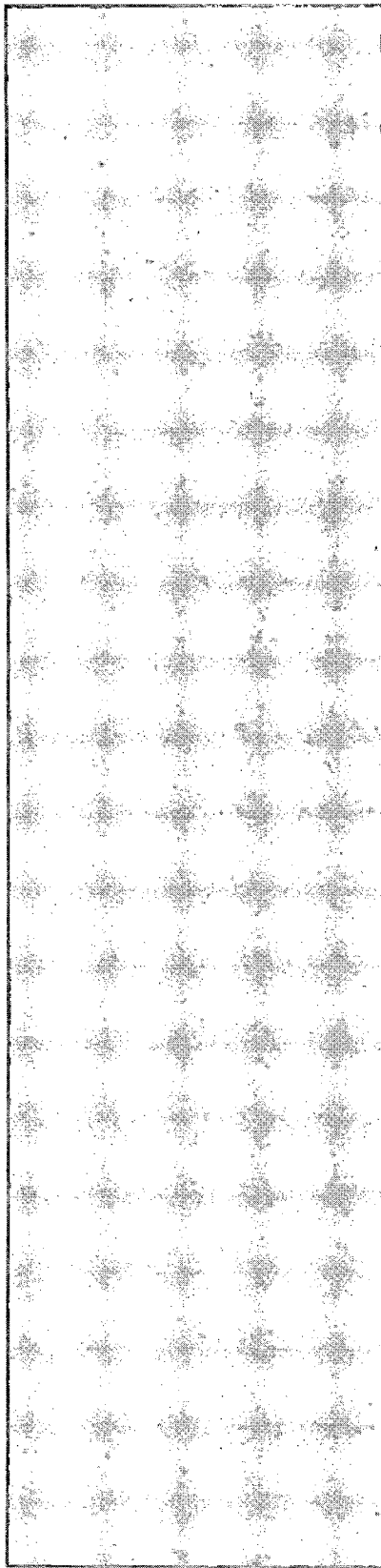
Recommendation 45

Wetland management programs should seek to eliminate abusive disturbances which prevent wetlands from performing their natural functions, and must preserve and enhance critical wetland functions.

Section F-2: Research Priorities

Recommendation 46

Research efforts should focus on applied problems at the ecosystem/watershed level, so that wetlands can be effectively protected, managed, restored, and created.



**SECTION G:
Supporting Acquisition Programs**

Current regulatory programs are not sufficient to halt the loss of wetlands, let alone increase the quality and quantity of Great Lakes wetlands resources. Many violations are not detected and some wetlands are so critical to the health of the Great Lakes ecosystem that we cannot afford for them to be destroyed, degraded, or improperly managed.

Recommendation 47:

Programs that secure permanent protection of wetland ecosystems in the Great Lakes region through acquiring wetlands in fee, by conservation easement, purchase of development rights, or private acquisition by other means should be expanded.



SECTION H:

Extending Educational Outreach

Achieving the goals outlined above will require extensive communication between diverse groups and raising the awareness and support of the general public and decision makers.

Recommendation 48

Government at all levels, and non-governmental organizations, should increase public education about wetlands values and protection programs.

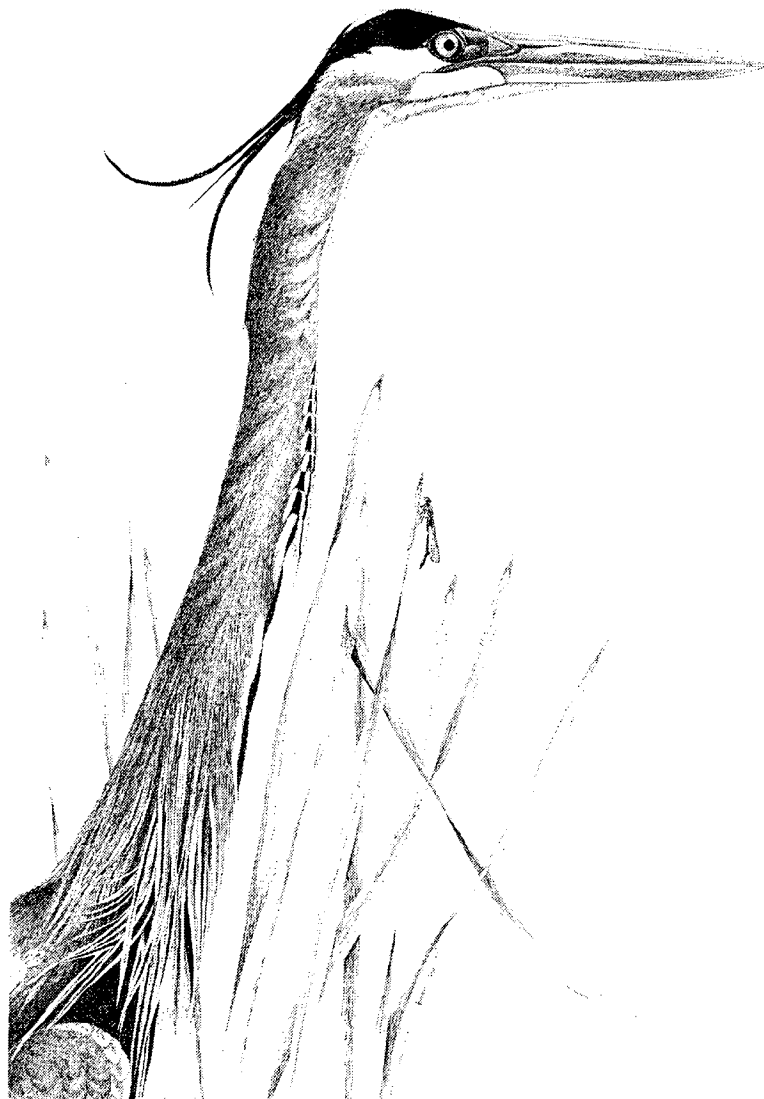
Recommendation 49

Government at all levels should improve public access to decision making.

Recommendation 50

Non-governmental organizations in the Great Lakes Basin should make wetland protection a priority by developing and presenting educational programs on wetlands, participating in decision-making, planning, and regulatory processes, and undertaking stewardship, securement, restoration, and management of wetlands.

PRESERVING GREAT LAKES WETLANDS: AN ENVIRONMENTAL AGENDA



PART THREE: A Call to Action

Preserving Great Lakes Wetlands: An Environmental Agenda

THE FINAL REPORT OF THE GREAT LAKES WETLANDS POLICY CONSORTIUM



The Action Agenda

The organizations who participated in the Great Lakes Wetland Policy Consortium are currently involved in wetland protection efforts and are committed to increasing the quantity and quality of wetlands in the Great Lakes Basin. In an effort to ensure the implementation of the Consortium's recommendations, the Consortium members have developed an Action Agenda. This Action Agenda, which appears in the full report, lists specific steps to initiate accomplishing the recommendations, and the organizations that will take a lead role. These steps provide impetus and direction for wetlands protection in the Great Lakes Basin.

Conclusion

Historically, European settlers to the Great Lakes region associated wetlands with negative images. More recently, the numerous values and functions that wetlands provide to the stability, productivity, and integrity of the Great Lakes ecosystem have been realized. This realization has brought about many positive efforts on behalf of individuals and organizations to preserve and protect our remaining wetlands.

The Consortium was formed to encourage these efforts by providing proactive recommendations to protect and enhance wetlands. Although the focus of this document is on wetlands policy and what various organizations and institutions should do, we must realize that institutions and organizations are simply collections of individuals. As such, they are moved by individual action. Those of us who realize the importance of wetlands in the Great Lakes Basin have many opportunities for action.

We hope that the findings of the Great Lakes Wetland Policy Consortium provide direction and support for those willing to take the initiative to work toward the goal of increasing the quality and quantity of Great Lakes wetlands.

GREAT LAKES WETLANDS POLICY CONSORTIUM

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If you are interested in receiving a copy of the full report of the Wetland Policy Consortium, [Preserving Great Lakes Wetlands, An Environmental Agenda](#), have questions regarding this summary report, or would like to help work toward implementing the Consortium's recommendations, please feel free to contact one of the Consortium members listed directly above.



The Great Lakes Wetlands Policy Consortium was initiated by the Tip of the Mitt Watershed Council to provide the financial and structural support for the development of a Great Lakes basin-wide wetlands policy. The Consortium is funded by a grant from the Charles Stewart Mott Foundation.

The Tip of the Mitt Watershed Council is a nonprofit corporation whose purpose is the protection of water quality and the promotion of the wise use of water resources. The Watershed Council promotes these goals through education, water quality monitoring, and support for sound environmental policy.

For more information concerning Watershed Council activities, please call or write:

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