

Federal Legislation

Before scientists formally identified the values of wetland ecosystems, U.S. policies (as far back as 1849) legalized draining of wetlands. It wasn't until the 1970s, after more than half of the original wetlands in the landlocked 48 states had already been drained, that protective legislation emerged.

Although there is no specific national law stating the ecological importance of the nation's wetlands, wetlands are protected by land use and water quality legislation.

A call to protect wetlands

National wetlands protection was sent in motion when **President Jimmy Carter** issued two executive orders in 1977 that established wetland policies for all federal agencies. Executive Order 11990, Protection of Wetlands, required all federal agencies to "take action to minimize the destruction, loss or degradation of wetlands and enhance the natural and beneficial values of wetlands" while carrying out their responsibilities. Executive Order 11998, Floodplain Management, required similar protection for floodplains, including avoiding activity in the floodplain when possible.

The Clean Water Act

The primary wetland protection across the U.S. is the Federal Water Pollution Control Act of 1972, (amended in 1977 and commonly referred to as the Clean Water Act). Section 404 of the Act states that a permit is required for most activities that would dredge or fill any of the nation's waters, including wetlands. Certain farming, ranching and forestry activities that do not alter the use of land, as well as some construction and maintenance activities are exempt from permit requirements. Also, in accordance with Section 404, each time a wetland area is destroyed, it must be mitigated for (replaced through the creation or enhancement of another wetland). The Act is enforced on both Federal and state levels.

In 2002, the Supreme Court limited the act's jurisdiction over isolated wetlands, and on January 10, 2003, **President Bush** called for the redefinition of wetlands. Bush is looking to clarify whether isolated, non-navigable wetlands should be protected by the Act.

Related links:

[Federal Water Pollution Control Act \(The Clean Water Act\) -- full text](#)

[Section 404 of the Clean Water Act](#)

[A summary of The Clean Water Act, including its amendments](#) from the Congressional Research Service.

No Net Loss

"No Net Loss," the most recent cornerstone in wetlands conservation, traces its roots to a 1987 National Wetlands Policy Forum. The forum aimed to "achieve no overall net loss of the nation's remaining wetlands base and to create and restore wetlands, where feasible, to increase the quantity and quality of the nation's wetland resource base." (National Wetlands Policy Forum, 1988). Both President George W. H. Bush and his son, President George W. Bush have publicly echoed this concept encouraging restoration and replacement of destroyed wetlands to prevent further wetlands loss.