

State	Regulations
Arizona	None <a href="https://www.blr.com/environmental/water/wetlands-in-arizona">https://www.blr.com/environmental/water/wetlands-in-arizona</a>
Arkansas	Wetlands are regulated as surface waters or water contained on the exterior or upper portion of the earth's surface as opposed to groundwater. ASWM
Colorado	Colorado Natural Heritage Program (CNHP) has a Wetland Program Plan for 2011-2015, which can be found at: <a href="http://water.epa.gov/type/wetlands/upload/cnhp-wpp2011-2015.pdf">http://water.epa.gov/type/wetlands/upload/cnhp-wpp2011-2015.pdf</a> <a href="https://www.aswm.org/pdf_lib/state_summaries/colorado_state_wetland_program_summary_101315.pdf">https://www.aswm.org/pdf_lib/state_summaries/colorado_state_wetland_program_summary_101315.pdf</a> Detail: The State has no blanket buffer protections for wetlands; however several county or local government areas have buffer requirements. (ASWM)  Statewide Strategies for Wetland and Riparian Conservation Strategic Plan for the Wetland Wildlife Conservation Program  The Program facilitates voluntary, incentive-based conservation and management of priority wildlife species whose populations depend on wetlands or riparian areas in Colorado. This may be accomplished through protection of these habitats by easements or acquisition, or through habitat restoration, enhancement, and creation actions such as vegetation manipulation and water management.  <a href="https://cpw.state.co.us/Documents/LandWater/WetlandsProgram/CDOWWetlandsProgramStrategicPlan110804.pdf">https://cpw.state.co.us/Documents/LandWater/WetlandsProgram/CDOWWetlandsProgramStrategicPlan110804.pdf</a>
Georgia	Has additional laws and regulations governing tidal wetlands protection and planning. (2) On March 26, 2007, Georgia established rules to guide permitting under the Coastal Marshlands Protection Act. The regulations impose marshlands buffer, stormwater management, and impervious cover standards for the upland component of a tidal wetlands project. (2) Georgia has no buffer requirements for freshwater wetlands. The state's Coastal Marshlands Protection Act regulations may impose marshlands buffers. Contact CRD for additional information about marshland buffers. Georgia has additional buffer requirements for streams. (ASWM)
Maine	Unless "significant wetlands" are involved, the DEP must process applications for projects that will affect less than 15,000 square feet of a wetland area within 30 days Maine defines "significant wetlands" as wetlands that: are within 250 feet of a coastal wetland or a great pond; are within 25 feet of a river, stream or brook; contain 20,000 square feet or more (approximately ½ acre) of open water and/or emergent vegetation under normal circumstances; are in a floodplain; contain significant wildlife habitat (as defined; some are explicitly identified in the law); and/or consist of peatland. Maine communities regulate wetlands under the home rule provisions of the Maine Constitution and under Maine's Municipal Shoreland Zoning statute which gives authority to local government to regulate non-forested wetlands greater than ten acres in size. Maine may require a permit for impacts within 75-feet of a wetland (adjacency). However, these determinations are made on a case-by-case basis. If a permit is not required under Maine law, impacts may take place right down to the edge of the wetland (ASWM)
Michigan	Some coastal wetlands receive further protection under the Shorelands Protection and Management Provisions of NREPA. In accordance with Part 303, wetlands are regulated if they are any of the following: Connected to one of the Great Lakes or Lake St. Clair. Located within 1,000 feet of one of the Great Lakes or Lake St. Clair. Connected to an inland lake, pond, river, or stream. Located within 500 feet of an inland lake, pond, river or stream. Not connected to one of the Great Lakes or Lake St. Clair, or an inland lake, pond, stream, or river, but are more than 5 acres in size. Not connected to one of the Great Lakes or Lake St. Clair, or an inland lake, pond, stream, or river, and less than 5 acres in size, but EGLE has determined that these wetlands are essential to the preservation of the state's natural resources and has notified the property owner.
Missouri	None



State	Regulations
New York	New York has a comprehensive statewide program for all tidal wetlands regardless of size, and freshwater wetlands over 12.4 acres or any smaller wetlands determined to be of unusual local importance. A buffer area of 100 feet is also regulated. (2)
North Carolina	North Carolina relies primarily on §401 water quality certification under the Clean Water Act (CWA) for state-level wetland regulation. Until recently, the state has implemented similar protections for isolated wetlands and waters, as well as stream buffers in selected river basins.  Currently, there are state riparian buffer protection programs in the Neuse River Basin, Tar-Pamlico River Basin, Catawba River Basin, Randleman Lake Watershed, Jordan Lake Watershed and Goose Creek Watershed. There are also local buffer protection programs across the state. However, this is likely to change with new rulemaking that will take place in 2015. It is likely that protections will be more limited in the future. A buffer authorization, or a “no practical alternatives” determination, is required for any use that is designated as “(potentially) allowable” or “(potentially) allowable with mitigation” within the applicable buffer rule. The riparian buffer must be undisturbed, regardless of property size or type of land use. Within each set of buffer rules*, there is a Table of Uses for specific activities: Exempt uses are allowed in the riparian buffer without approval from the Division of Water Resources (DWR). (Potentially) allowable uses may occur in the buffer after written authorization from DWR (some of these impacts may require mitigation for the impacts). Prohibited uses are not allowed in the buffer unless a variance is granted from the N.C. Environmental Management Commission. Activities not listed in the Table of Uses are prohibited  <a href="https://www.aswm.org/pdf_lib/state_summaries/north_carolina_state_wetland_program_summary_083115.pdf">https://www.aswm.org/pdf_lib/state_summaries/north_carolina_state_wetland_program_summary_083115.pdf</a>
Ohio	The state enacted the Isolated Wetlands Law in July 2001 in reaction to the Solid Waste Agency of Northern Cook County v. U.S. Army Corps of Engineers (SWANCC) decision that cast doubt on federal jurisdiction over some intrastate isolated wetlands. Administered by the Ohio Environmental Protection Agency’s Division of Surface Water, these two laws govern the bulk of wetlands-related activities at the state level. (1) The state also enacted the Isolated Wetlands Law in July of 2001. (2) The statute makes it illegal for a person to “engage in the filling of an isolated wetland” or to “discharge dredged material into isolated wetlands” without a permit. (2) There are no minimum size thresholds for isolated wetlands that fall outside the jurisdictional boundaries of §401/§404—all are included under the Isolated Wetland Law. The only exemption concerns isolated wetlands that were created by coal mining activities and that are being returned to mining activity. <a href="https://www.aswm.org/pdf_lib/state_summaries/ohio_state_wetland_program_summary_111615.pdf">https://www.aswm.org/pdf_lib/state_summaries/ohio_state_wetland_program_summary_111615.pdf</a>
Pennsylvania	Pennsylvania has a strong wetland regulatory program that focuses not only on direct impacts to wetlands, but also discharges to wetlands. (2) Wetland and Waterways permitting in Pennsylvania is based on the Clean Streams Law and the Dam Safety and Encroachments Act, rather than Section §404 of the Clean Water Act. (2) Water obstructions and encroachments must comply with Pennsylvania’s Clean Streams Law which requires that all earth moving activities must have an erosion and sedimentation control plan. (2) Wetland and Waterways permitting in Pennsylvania is based on the Clean Streams Law and the Dam Safety and Encroachments Act, rather than Section §404 of the Clean Water Act. Buffers are required in Non-Isolated Wetland Mitigation (OAC 3745-1-54). If mitigation is at a 1:1 for restoration, a .5:1 is required for additional buffer. It is new for Ohio to have base buffers. Now to get more credit, the mitigation needs to include additional buffer work. <a href="https://www.aswm.org/pdf_lib/state_summaries/pennsylvania_state_wetland_program_summary_090915.pdf">https://www.aswm.org/pdf_lib/state_summaries/pennsylvania_state_wetland_program_summary_090915.pdf</a>
Washington	At the state level, the most influential regulation is related to water quality certification under §401 of the Clean Water Act. The state’s primary role in wetlands regulation and protection involves filling gaps in federal jurisdiction over wetlands by using state authorities in water quality laws. The state also plays a significant role in assisting local governments in the development of comprehensive growth management plans, shoreline master programs, and regulations and ordinances.(1) A Tribal Treaties and Rights at Risk document submitted to and supported by the federal government has led to the guarantee of rights to salmon and other traditionally-utilized species and the requirement for co-management by tribes. This has led to shifts towards <u>stronger riparian and wetland protections</u> (those that are related to estuaries critical for salmon, etc.), as well as protection of overwintering areas for these species. Consequently, salmon drives very specific non-voluntary restoration projects in the state. <a href="https://www.aswm.org/pdf_lib/state_summaries/washington_state_wetland_program_summary_090315.pdf">https://www.aswm.org/pdf_lib/state_summaries/washington_state_wetland_program_summary_090315.pdf</a>



State	Regulations
Florida	<p>Regulation includes any activities in, on, over or under surface waters, construction of stormwater systems, and surface water management systems. These are governed by a single set of state rules and connected with a state-owned submerged lands program, which is analogous to the Section §404 program. The state has its own set of legislative rules. Florida’s program regulates most land alterations (including land clearing, development, stormwater, dredging and filling, mining, beach nourishment and re-nourishment, and other activities that affect water quality and quantity (draining and flooding) of uplands, wetlands, and other surface waters, including isolated wetlands. (2)</p> <p>Florida also has separate authority to regulate trimming and alteration of mangroves. As such, the scope of Florida’s program extends beyond that of merely a “wetland” program or one limited only to regulation of dredging, filling, and discharges within wetlands or surface waters.</p> <p>While Florida does not have one statewide rule to protect buffers, buffers are protected as secondary impacts under Environmental Resource Permits. The state does not provide any “one-size-fits-all” recommendations for buffer protection.</p> <p><a href="https://www.aswm.org/pdf_lib/state_summaries/florida_state_wetland_program_summary_111615.pdf">https://www.aswm.org/pdf_lib/state_summaries/florida_state_wetland_program_summary_111615.pdf</a></p>
Hawaii	<p>State approaches to the protection of these important, unique resources include management of wildlife and habitat and regulation of aquatic resources, among other activities. (1)</p> <p>Buffer Protections: Information unavailable (ASWM)</p>
Montana	<p>The Montana Wetland Council is an active network of diverse interests that works cooperatively to conserve and restore Montana’s wetlands and riparian ecosystems and work toward solutions on complex wetland and riparian issues.</p> <p>The Montana Department of Environmental Quality (DEQ)’s Wetland Program Plan With DEQ leadership and extensive public involvement, the Council developed Priceless Resources: Strategic Framework for Wetland and Riparian Area Conservation and Restoration in Montana 2013-2017, which guides the Council and all involved in wetland issues, in pursuing wetland conservation activities. (<a href="http://water.epa.gov/type/wetlands/upload/mt-wpp-amendments.pdf">http://water.epa.gov/type/wetlands/upload/mt-wpp-amendments.pdf</a>) addresses the four core elements EPA designated for state wetland program.</p> <p>Montana relies on the definition of wetland found in the 1987 Wetland Delineation Manual issued by the Corps of Engineers</p> <p>ASWM</p>
Nebraska	<p>If a water is a non-404 water, the state sends a “letter of opinion” to the applicant saying that the state cannot issue a permit, but an activity might violate state water quality standards and the state will work with the applicant to avoid violation of these standards. The state refers to this approach as “resource advocacy through regulatory efforts.”</p> <p>Nebraska’s wetland regulatory program has no requirements for buffer protections. However, there are requirements for buffer footages in antidegradation requirements. Mitigation sites are required to have buffers and buffers are usually considered during restoration planning and implementation.</p> <p>However, uniquely, Nebraska does have a state voluntary regulatory program. If a water is a non-404 water, the state sends a “letter of opinion” to the applicant saying that the state cannot issue a permit, but an activity might violate state water quality standards and the state will work with the applicant to avoid violation of these standards. The state refers to this approach as “resource advocacy through regulatory efforts.” (2)</p>
New Jersey	<p>Everywhere in the state there is some level of buffer protection. Different sources of protection include Surface Water Standards, Special Area Protections, and fish and wildlife requirements. Generally, the state regulates 300 feet of buffer area from a regulated water. In addition to regulating wetlands New Jersey places buffers around certain wetlands to further protect them from degradation. Statewide, wetlands that are classified as intermediate or exceptional resource value have a 50 and 150 foot buffer, respectively. Under the State’s Freshwater Wetlands Protection Act, wetlands that discharge to trout-production waters or which are present or documented habitat for threatened or endangered species are considered exceptional resource value wetlands and are therefore have a 150-foot buffer. Most trout production waters are also designated as Category One waters pursuant to the State’s Surface Water Quality Standards rules (N.J.A.C. 7:9B) Category One waters are protected from degradation through the implementation of a 300-foot buffer known as the Special Water Resource Protection Area in the State’s Stormwater Management rules (N.J.A.C. 7:8). Such waters are also protected through the implementation of the State’s Flood Hazard Control Act Regulations, which require a 300-foot riparian zone immediately adjacent to Category One waters and upstream waters within the same HUC14 sub-watershed. These buffers are often coincident with wetlands that are protected in permanent conservation restrictions through the NJDEP’s permitting program. ASWM</p>



State	Regulations
Oregon	<p>The state does not regulate outside of wetlands. Wetland buffer protection is not required by state regulation, except on mitigation sites (including buffer credits). Compensatory mitigation projects may be required to include upland buffers. Buffer protection is required by some local government wetland regulations.</p> <p>Some primary wetland-related responsibilities are coordinated by the following state agencies:</p> <p>Oregon Department of State Lands (DSL) is responsible for implementation of the state's removal and fill law.</p> <p>Oregon Department of Environmental Quality (DEQ) administers the 401 Water Quality Certification program.</p> <p>Oregon Department of Fish and Wildlife (DFW) provides expert and technical review of §401 certifications.</p> <p>Oregon Department of Land Conservation and Development administers Oregon's 19 Statewide Planning Goals that include: Goal 5 requires local protection programs for significant freshwater wetlands, Goal 16 prohibits development in 98% of the remaining estuarine wetlands, and Goal 17 requires protection for major marshes along Oregon's coastal shore lands. Less directly, Goals 6 and 7 may address wetland management for water quality and flood management purposes.</p> <p>Oregon Watershed Enhancement Board (OWEB) is a leader in the conservation of Oregon's natural resources by helping Oregonians take care of streams, rivers, wetlands and natural areas. OWEB administers the state's Watershed Enhancement Program that includes acquisition and restoration grants funded through the Oregon Lottery, promotion of local watershed councils, and development of watershed plans. OWEB coordinates The Oregon Plan for Salmon and Watersheds. OWEB is a primary source of funding for voluntary wetland restoration in the state.</p> <p>ASWM</p>
Rhode Island	<p>Rhode Island was among the first states to pass legislation specifically addressing wetlands protection. Two agencies administer state-level wetland regulation by jurisdiction: Rhode Island Department of Environmental Management (RIDEM) oversees most freshwater wetland regulation and Rhode Island Coastal Resources Management Council (RICRMC) oversees regulation of coastal wetlands, as well as freshwater wetlands in the vicinity of the coast. (1)</p> <p>RIDEM requires a 50-foot perimeter for regulated wetland areas if disturbed and require a 100-200-foot width for riverbeds (including wetlands). Buffers for coastal wetlands are required in accordance with CRMP Section 150, which requires buffers based primarily on the lot size and CRMC water type designation. A limited portion of the buffer may be managed for view corridors and access to the shoreline, but must adhere to CRMC rules for such. Contact Jim Boyd at CRMC regarding CRMC's buffer management policy. As part of the freshwater wetland application process, CRMC and DEM can require buffer plantings near the limits of work in wetlands. DEM commonly permits buffer plantings "along the limit of disturbance" in a backyard, as well as along both sides of a wetland crossing. Two to three rows of plantings provide more buffering effect than a single row; however, a single row is preferable if additional rows involve an increase in clearing and alteration. The following factsheet provides additional information:  <a href="http://www.dem.ri.gov/programs/benviron/water/wetlands/pdfs/wfs10.pdf">http://www.dem.ri.gov/programs/benviron/water/wetlands/pdfs/wfs10.pdf</a></p> <p>ASWM</p>
Texas	<p>The state does not have additional buffer protections beyond what the Corps requires.</p> <p>ASWM</p>
Utah	<p>The state does not provide any specific protections for wetland buffers, but does for riparian buffers, although they are limited (small width). Contact UDEQ Division of Water Quality for more information.</p>
Vermont	<p>Until otherwise designated by the Secretary, a one hundred (100) foot buffer zone is established contiguous to the boundaries of a Class I wetland. Until otherwise designated by the Secretary, a fifty(50)foot buffer zone is established contiguous to the boundaries of a Class II wetland</p> <p>The Secretary on his or her own motion or upon petition may, pursuant to 10 V.S.A. § 914:1. Determine whether a wetland is a Class II or Class III wetland.2. Determine which functions and values make a wetland significant.3. Determine whether the size or configuration of a buffer zone adjacent to a Class II wetland should be increased or decreased.4. Determine the boundaries of a significant wetland.5. Determine whether an area shown as a wetland on the VSWI maps is not a wetland.</p> <p>The State of Vermont protects wetlands which provide significant functions and values and also protects a buffer zone directly adjacent to significant wetlands. Wetlands in Vermont are classified as Class I, II, or III based on the significance of the functions and values they provide. Class I and Class II wetlands provide significant functions and values and are protected by the Vermont Wetland Rules. Any activity within a Class I or II wetland or buffer zone which is not exempt or considered an "allowed use" under the Vermont Wetland Rules requires a permit.</p> <p><a href="https://dec.vermont.gov/sites/dec/files/documents/wsmnd_VermontWetlandRules.pdf">https://dec.vermont.gov/sites/dec/files/documents/wsmnd_VermontWetlandRules.pdf</a></p>



State	Regulations
West Virginia	<p>Isolated wetlands are considered “waters of the state” in West Virginia and are regulated according to §401 standards. The state uses the same ratios and assessments for isolated waters as for federal jurisdictional waters.</p> <p>West Virginia also has an integrated evaluation/mitigation calculation tool called West Virginia Stream and Wetland Valuation Metric v2.0 (WV SWVM).</p> <p>The state includes buffer protection as a component in WV SWVM. There are three tiers in SWVM: 1) simple preservation, 2) enhancement, and 3) enhancement and revegetation which provide increasing levels of credit. West Virginia is in the process of reviewing opportunities to adjust wetland mitigation conditions to increase buffering in at least some cases.</p> <p>ASWM</p>
Wisconsin	<p>In addition to §401 certification as required under the Clean Water Act (CWA), in 2001 Wisconsin became the first state to enact a nonfederal wetlands protection law in reaction to the Solid Waste Agency of Northern Cook County v. U.S. Army Corps of Engineers (SWANCC) decision that cast doubt on federal jurisdiction over some intrastate isolated wetlands. Wisconsin statutes also regulate wetlands below the ordinary high water mark of navigable lakes and streams.</p>
Alabama	<p>The state’s §401 certification program is the state’s primary regulatory program. The state has Division 8 Coastal Zone Buffer Protections and some municipalities have additional buffer protections</p> <p>The state has Division 8 Coastal Zone Buffer Protections and some municipalities have additional buffer protections</p> <p><a href="https://www.aswm.org/pdf_lib/state_summaries/alabama_state_wetland_program_summary_083115.pdf">https://www.aswm.org/pdf_lib/state_summaries/alabama_state_wetland_program_summary_083115.pdf</a></p>
California	<p>State Wetland Conservation Policy</p> <p>Porter-Cologne Water Quality Control Act; The standards are based on formally-recognized beneficial uses for water bodies (such as drinking water, recreation or endangered species habitat protection), many of which pertain to wetlands and are used to protect them.</p> <p>Coastal estuaries, seasonal vernal pools, mountain wet meadows and extensive riverine wetlands, and other regional variants, are all protected under one set of state regulations.</p> <p>Wildlife Conservation Board: The Wildlife Conservation Board (Board) is responsible for wetlands protection through the acquisition of fee and lesser interests, such as conservation easements.</p> <p>California Dept. Of Fish and Wildlife: CDFW also regulates wetlands under the California Endangered Species Act when endangered species habitats are present.</p> <p>Wildlife Management Division: WMD's major role in wetlands management is to meet the wetlands protection, restoration, and enhancement goals through various public and private programs, such as the San Francisco Bay Joint Venture and the Central Valley Habitat Joint Venture, components of the North American Waterfowl Management Plan. These habitat goals are achieved on state-owned wildlife areas and on private land enrolled in WMD's voluntary wetland incentive or easement programs.</p> <p>The West Coast Region of NOAA’s National Marine Fisheries Service released the California Eelgrass Mitigation Policy and Implementing Guidelines (2014) to provide guidance on eelgrass mitigation efforts.</p> <p>The state is researching how riparian zones protect water quality. The state is developing a California Riparian Width Buffer Algorithm. Buffer protections are politically complex in the state.</p> <p>ASWM</p> <p><a href="https://mywaterquality.ca.gov/eco_health/wetlands/improvements/regulations.html#california">https://mywaterquality.ca.gov/eco_health/wetlands/improvements/regulations.html#california</a></p>
Connecticut	<p>Tidal wetlands are regulated exclusively by the Connecticut Department of Environmental Protection’s (CTDEP) Office of Long Island Sound Programs (OLISP); regulation of inland wetlands occurs primarily at the municipal level under Municipal Inland Wetland Agencies (MIWA).</p> <p>The state does not have a buffer statute or regulation requirements for inland wetlands. However, there is state statute that allows municipalities to identify buffers for protection. Most communities that have adopted buffer protections require buffers in the range of 50-100 feet. Some municipalities have even greater requirements, up to 600 feet.</p> <p><a href="https://www.aswm.org/pdf_lib/state_summaries/connecticut_state_wetland_program_summary_083115.pdf">https://www.aswm.org/pdf_lib/state_summaries/connecticut_state_wetland_program_summary_083115.pdf</a></p>
Idaho	<p>The state relies primarily on §401 certification under the Clean Water Act to regulate impacts to wetlands and has also recently initiated efforts to increase coordination among state agencies involved with wetland issues.</p> <p>the state does have an Idaho Wetland Conservation Prioritization Plan:</p> <p><a href="http://fishandgame.idaho.gov/ifwis/idnhp/cdc_pdf/u05hah01idus.pdf">http://fishandgame.idaho.gov/ifwis/idnhp/cdc_pdf/u05hah01idus.pdf</a></p> <p>Wetlands may also be regulated by two additional water-related state laws:</p> <p>The Idaho Lake Protection Act:</p> <p>The Idaho Stream Channel Protection Act:</p> <p><a href="https://www.aswm.org/pdf_lib/state_summaries/idaho_state_wetland_program_summary_111615.pdf">https://www.aswm.org/pdf_lib/state_summaries/idaho_state_wetland_program_summary_111615.pdf</a></p>



State	Regulations
Illinois	The state of Illinois does not currently have a state wetland program plan. There are no specific state policies or protections for buffers; however, the state does provide partial credit for the buffers through the mitigation process. <a href="https://www.aswm.org/pdf_lib/state_summaries/illinois_state_wetland_program_summary_083115.pdf">https://www.aswm.org/pdf_lib/state_summaries/illinois_state_wetland_program_summary_083115.pdf</a>
Iowa	Iowa does not have a state wetland program plan at this time. <a href="https://www.aswm.org/pdf_lib/state_summaries/iowa_state_wetland_program_summary_083115.pdf">https://www.aswm.org/pdf_lib/state_summaries/iowa_state_wetland_program_summary_083115.pdf</a>
Kentucky	The state does not have a formal, EPA-approved wetland program plan, however Kentucky will be submitting a wetland program plan to the U.S. EPA in early January 2015. (can't find this). <a href="https://www.aswm.org/pdf_lib/state_summaries/kentucky_state_wetland_program_summary_111615.pdf">https://www.aswm.org/pdf_lib/state_summaries/kentucky_state_wetland_program_summary_111615.pdf</a>
Louisiana	Louisiana does not have a state wetland program plan. <a href="https://www.aswm.org/pdf_lib/state_summaries/louisiana_state_wetland_program_summary_083115.pdf">https://www.aswm.org/pdf_lib/state_summaries/louisiana_state_wetland_program_summary_083115.pdf</a>
Maryland	The State of Maryland has operated a tidal wetland regulatory program since 1970 and nontidal wetland regulatory program since 1991.1 Since January 1, 1991 the Maryland Nontidal Wetlands Protection Act has required a state nontidal wetlands permit or letter of authorization from the Nontidal Wetlands & Waterways Division for activities in a nontidal wetland or within a 25-foot buffer or 100-foot expanded buffer around a nontidal wetland.  As a matter of state policy, buffers must be included as an option for mitigation requirements. Regulated activities in buffers are also included in law for non-tidal wetlands. Twenty-five foot and 100-foot buffers are recognized in regulations and mapped when special state concern (unique, threatened species; steep sloped with highly-erodible soils).
New Mexico	The New Mexico Department of Surface Water Quality Bureau (SWQB) Wetlands Program developed its first wetland program plan in 2003. This state's wetland program plan was updated in 2012, providing a plan to continue progress towards a "comprehensive and sustainable" Wetlands Program for New Mexico. WETLANDS PROGRAM PLAN FOR NEW MEXICO (EPA Approved 4.9.2019) <a href="https://www.env.nm.gov/wp-content/uploads/sites/25/2018/01/New_Mexico_Wetlands_Program_Plan_Update-Approved-4.9.2019.pdf">https://www.env.nm.gov/wp-content/uploads/sites/25/2018/01/New_Mexico_Wetlands_Program_Plan_Update-Approved-4.9.2019.pdf</a>  Condition assessments require review of buffer condition (5-metric evaluation). Santa Fe' includes a 100-foot buffer component for wetlands and streams. They also prevent certain activities. Buffers are also considered in the establishment of grazing allotments, requiring the avoidance of riparian areas to reduce pressure on wetlands. Finally, the state is also looking into working with private landowners adjacent to public lands. Private land owner will be asked to voluntarily apply federal rules to private lands if they are adjacent to public lands in order to create a large buffer around public lands  New Mexico has operated a wetland restoration program (operated by the wetland program) since 2003. This program encourages volunteer participation in on-the-ground wetland restoration projects, and helps obtain funding for projects. <a href="https://www.aswm.org/pdf_lib/state_summaries/new_mexico_state_wetland_program_summary_111115.pdf">https://www.aswm.org/pdf_lib/state_summaries/new_mexico_state_wetland_program_summary_111115.pdf</a>
South Dakota	South Dakota regulates wetlands primarily through §401 certification under the Clean Water Act (CWA), which is overseen by the Water Management Board of the South Dakota Department of Environment and Natural Resources (SDDENR). South Dakota does not currently have a state wetland program plan. South Dakota DENR's Division of Financial and Technical Administration handles buffer protections. The Division works with landowners to develop and protect buffers on the Big Sioux River and other waterbodies. <a href="https://www.aswm.org/pdf_lib/state_summaries/south_dakota_state_wetland_program_summary_083115.pdf">https://www.aswm.org/pdf_lib/state_summaries/south_dakota_state_wetland_program_summary_083115.pdf</a>
Virginia	In 2000, Virginia passed the Nontidal Wetlands Act, which provided the state with additional jurisdiction and enabled the VA DEQ to regulate activities in wetlands outside federal jurisdiction. Comprehensive Wetland Program Plan for the Commonwealth of Virginia <a href="http://water.epa.gov/type/wetlands/upload/virginia_wpp.pdf">http://water.epa.gov/type/wetlands/upload/virginia_wpp.pdf</a> The 2000 Virginia General Assembly enacted the Riparian Buffer Tax Credit to provide a nonrefundable tax credit for voluntary actions to: Individuals, S-Corporations or Partnerships; Estates and Trusts are not eligible for this tax credit, but Family Partnerships and Limited Liability Corporations are eligible. owning land on which timber is harvested, which abuts a waterway, and who forbears timber harvesting on certain portions of the land for 15 consecutive years. The buffer must be at least 35 feet wide and no more than 300 feet and be intact for 15 years. The applicant must have a Stewardship Plan for the tract to qualify. A separate application must be completed for each tract. The state is in the process of updating its wetland plan (expected Fall 2015) <a href="https://www.aswm.org/pdf_lib/state_summaries/virginia_state_wetland_program_summary_092115.pdf">https://www.aswm.org/pdf_lib/state_summaries/virginia_state_wetland_program_summary_092115.pdf</a>





State	Regulations
Wyoming	<p>The Wyoming Wetlands Task Force was established in 1989 and the Wyoming Wetlands Act (WWA) was passed in 1991. The WWA, the Clean Water Act (CWA) §401/404 permitting process, land use planning by the U.S. Department of Agriculture (USDA) Forest Service and Bureau of Land Management, cooperative agreements among agencies, conservation easements, and land purchases are the primary ways Wyoming protects its remaining wetlands.</p> <p>Wyoming does not have a formal EPA-approved state wetland program plan at this time. However, the state does have a Wyoming Wetland Conservation Strategy which was submitted to EPA. The strategy document can be found at: <a href="https://wgfd.wyo.gov/web2011/Departments/Wildlife/pdfs/HABITAT_WYWETLANDSCONSERVATION0000332.pdf">https://wgfd.wyo.gov/web2011/Departments/Wildlife/pdfs/HABITAT_WYWETLANDSCONSERVATION0000332.pdf</a>.</p> <p>As some elements were missing, it was not formally approved by EPA as a state wetland program plan, but it does continue to guide work on wetlands in the state. <a href="https://www.aswm.org/pdf_lib/state_summaries/wyoming_state_wetland_program_summary_101415.pdf">https://www.aswm.org/pdf_lib/state_summaries/wyoming_state_wetland_program_summary_101415.pdf</a></p> <p>In 1991, the <i>Wyoming</i> Legislature passed the <i>Wyoming Wetlands Act</i>. The <i>Act</i> was further amended and refined in 1994. The purpose of the statute is to establish a statewide <i>wetland</i> mitigation bank to improve the administration of <i>wetland</i> protection, permitting and restoration programs in the state. <a href="http://deq.wyoming.gov/wqd/resources/wetland-banking">deq.wyoming.gov › wqd › resources › wetland-banking</a></p>
Alaska	<p>Currently, only Anchorage and Juno are actively engaged in wetland regulation. There may be 60- and 100-foot buffers that apply to wetlands owned by the state. This definition is comparable to the Section 404 definition except that it goes beyond the Section 404 definition in regulating vegetated areas to a depth of three meters. There may be 60- and 100-foot buffers that apply to wetlands owned by the state. Contact the state for more information on their buffer protections. <a href="https://www.aswm.org/pdf_lib/state_summaries/alaska_state_wetland_program_summary_083115.pdf">https://www.aswm.org/pdf_lib/state_summaries/alaska_state_wetland_program_summary_083115.pdf</a></p>
Delaware	<p>In addition §401 water quality certification under the Clean Water Act (CWA), Delaware regulates tidal wetlands under the Wetlands Act. The Delaware Department of Natural Resources and Environmental Control (DDNREC), Division of Water Resources (DWR), Wetlands and Subaqueous Lands Section operates the state's wetland regulatory and protection programs.</p> <p>"State-regulated" wetlands protected by law are defined as "those lands lying at or below two feet above local mean high water which support or are capable of supporting" certain plant species that are listed in the law and regulations.</p> <p>Buffers for wetlands and waters are imposed by three county planning and zoning offices. The focus of this work is pollution, not wetland protection. <a href="https://www.aswm.org/pdf_lib/state_summaries/delaware_state_wetland_program_summary_083115.pdf">https://www.aswm.org/pdf_lib/state_summaries/delaware_state_wetland_program_summary_083115.pdf</a></p>
Indiana	<p>Indiana's Department of Environmental Management (IDEM) administers the §401 Water Quality Certification program under the Clean Water Act (CWA) in addition to a state-level regulatory program that targets isolated wetlands. The Department of Natural Resources (IDNR) regulates wetlands situated within floodways and the high-waterline of lakes. Indiana does not currently have a state wetland program plan; however, the state is in the final stages of getting their new draft plan approved. <a href="https://www.aswm.org/pdf_lib/state_summaries/indiana_state_wetland_program_summary_083115.pdf">https://www.aswm.org/pdf_lib/state_summaries/indiana_state_wetland_program_summary_083115.pdf</a></p>
Kansas	<p>The state's wetland regulatory efforts include §401 water quality certifications and the Kansas Department of Agriculture's permits for fill and stream obstructions in floodplains.</p>
Massachusetts	<p>Massachusetts has a State Wetland Program Plan (2013-2017), which can be found at: <a href="http://water.epa.gov/type/wetlands/upload/ma_wpp_and_transmittal_letter.pdf">http://water.epa.gov/type/wetlands/upload/ma_wpp_and_transmittal_letter.pdf</a></p> <p>Buffer Protections Description: In the Massachusetts Wetlands Protection Act regulations (310 Code of Massachusetts Regulations 10.04) define Buffer Zone as meaning that area of land extending 100 feet horizontally outward from the boundary of banks, wetlands, beaches, dunes, marshes, or swamps bordering on water bodies. Such Bordering Vegetated Wetlands are areas where the soils are saturated or inundated such that they support plants that are adapted to periodically wet conditions (<a href="http://www.mass.gov/eea/docs/dep/water/laws/a-thru-h/bvwmanua.pdf">http://www.mass.gov/eea/docs/dep/water/laws/a-thru-h/bvwmanua.pdf</a>). There are a lot of minor activities allowed within the buffer zone. Recent amendments to wetland regulations pertaining to Buffer Zones provide allowances for certain minor activities related to transportation and utility maintenance project to occur within wetland Buffer Zones. The current Massachusetts Wetland Program Plan also anticipates future improvements to wetland condition by strengthening buffer zone protection policy based on CAPS assessment of ecological integrity. Massachusetts also has a manual, Delineating Bordering Vegetated Wetlands under the Massachusetts Wetland Protection Act (<a href="http://www.mass.gov/eea/docs/dep/water/laws/a-thru-h/bvwmanua.pdf">http://www.mass.gov/eea/docs/dep/water/laws/a-thru-h/bvwmanua.pdf</a>). Finally the state has a manual to assist landowners with the creation, restoration and maintenance of vegetated buffers (<a href="http://www.mass.gov/eea/docs/dep/water/bufman.pdf">http://www.mass.gov/eea/docs/dep/water/bufman.pdf</a>).</p> <p><a href="https://www.aswm.org/pdf_lib/state_summaries/massachusetts_state_wetland_program_summary_083115.pdf">https://www.aswm.org/pdf_lib/state_summaries/massachusetts_state_wetland_program_summary_083115.pdf</a></p>



State	Regulations
Minnesota	<p>The state legislature passed the Wetlands Conservation Act (WCA) in 1991. This Act establishes a “no net loss” wetlands policy. The state, in partnership with the federal government, also developed the Minnesota Wetlands Conservation Plan (MWCP) and is in the process of developing a State Wetlands Restoration Plan.</p>
	<p>Minnesota State Wetland Program Plan <a href="http://water.epa.gov/type/wetlands/upload/2012-mn-wetland-program-plan.pdf">http://water.epa.gov/type/wetlands/upload/2012-mn-wetland-program-plan.pdf</a></p>
	<p>The WCA (wetlands conservation act) requires that all wetlands used for compensatory mitigation be protected by an upland buffer (the buffer itself also receives some mitigation credit). Some local governments in Minnesota require protective buffers around existing wetlands through local ordinance. Some large wetlands and shallow lakes have a mandatory buffer requirement through the state’s shoreland management program. <a href="https://www.aswm.org/pdf_lib/state_summaries/minnesota_state_wetland_program_summary_111815.pdf">https://www.aswm.org/pdf_lib/state_summaries/minnesota_state_wetland_program_summary_111815.pdf</a></p>
Mississippi	<p>The state’s regulatory efforts rely heavily on §401 water quality certification under the Clean Water Act for freshwater wetlands statewide.</p>
	<p>Coastal Wetlands Protection Act – MS Code § 49-27-1 et seq. Mississippi Coastal Program <a href="https://www.aswm.org/pdf_lib/state_summaries/mississippi_state_wetland_program_summary_083115.pdf">https://www.aswm.org/pdf_lib/state_summaries/mississippi_state_wetland_program_summary_083115.pdf</a></p>
Nevada	<p>Nevada does not have an EPA-approved state wetland program plan. However, the Nevada Natural Heritage Program and several state agency partners developed and are in the process of implementing the Nevada Wetlands Priority Conservation Plan (2006) <a href="http://heritage.nv.gov/sites/default/files/library/wetplan2006.pdf">http://heritage.nv.gov/sites/default/files/library/wetplan2006.pdf</a></p>
	<p>DEP does not formally regulate or promote any wetland or stream buffer protections. The Natural Heritage Program may have some protections (contact NHP staff for more information). <a href="https://www.aswm.org/pdf_lib/state_summaries/nevada_state_wetland_program_summary_083115.pdf">https://www.aswm.org/pdf_lib/state_summaries/nevada_state_wetland_program_summary_083115.pdf</a></p>
New Hampshire	<p>New Hampshire Wetland Program Plan 2011-2017 <a href="http://des.nh.gov/organization/commissioner/legal/rules/documents/env-wt800.pdf">http://des.nh.gov/organization/commissioner/legal/rules/documents/env-wt800.pdf</a> <a href="https://www.aswm.org/pdf_lib/state_summaries/new_hampshire_state_wetland_program_summary_090315.pdf">https://www.aswm.org/pdf_lib/state_summaries/new_hampshire_state_wetland_program_summary_090315.pdf</a></p>
	<p>The law also protects sand dunes and upland tidal buffer zones (100 feet above the highest observable tideline). Although the law was adopted in 1967 to protect tidal wetlands and waters, it was extended in 1969 to regulate activities in freshwater bodies. There is no minimum threshold of size for wetlands or wetland impacts under the Act; NHDES has jurisdiction over tidal wetlands, nontidal wetlands, and tidal buffer zones. New Hampshire Wetlands Statute, rules, and proposed rules are available at <a href="http://des.nh.gov/organization/commissioner/legal/rules/index.htm#wetlands">http://des.nh.gov/organization/commissioner/legal/rules/index.htm#wetlands</a></p>
	<p>New Hampshire Wetland Program Plan: <a href="https://www.des.nh.gov/organization/divisions/water/wetlands/documents/epa-plan-2011-17.pdf">https://www.des.nh.gov/organization/divisions/water/wetlands/documents/epa-plan-2011-17.pdf</a></p>
	<p>In 1979 New Hampshire’s wetlands law was amended to provide an option for municipalities to designate high value wetlands for greater protection. The designation of these wetlands must then be adopted by the municipality by vote of the residents and approved by DES. Once DES formally accepts the designation, the designated prime wetland are afforded special protection by DES under the wetlands law. While there have been greater protections, a 100-foot buffer now applies to wetlands in only seven communities. Additionally, RSA 482-A (Wetlands law) provides for 100 foot tidal buffer zone for work proposed within 100 feet of the highest observable tideline. DES rules require that an upland preservation parcel to be protected for mitigation contain a 100 foot upland buffer. Permit conditions requiring protections for wildlife and water quality may require buffers. The legislature is currently reviewing a proposed bill to examine state buffers to wetlands and streams.</p>
<p><a href="https://www.aswm.org/pdf_lib/state_summaries/new_hampshire_state_wetland_program_summary_090315.pdf">https://www.aswm.org/pdf_lib/state_summaries/new_hampshire_state_wetland_program_summary_090315.pdf</a></p>	
North Dakota	<p>North Dakota regulates wetlands primarily through §401 water quality certification under the Clean Water Act (CWA).</p>
Oklahoma	<p>Oklahoma protects its base wetland resources primarily through the efforts of four agencies: the Oklahoma Department of Wildlife Conservation (ODWC), the Oklahoma Department of Environmental Quality (ODEQ), the Oklahoma Water Resources Board (OWRB), and the Oklahoma Conservation Commission (OCC). Although the state does not have a formal wetland buffer protections; the state does: Encourage voluntary participation in a program that encourages fencing off areas (this is not a wetland-specific program, but includes wetlands as appropriate). Encourages the inclusion of wetland buffers for 319 projects for non-regulatory sites Buffer protections are provided for “special waters” through the stormwater program, some of which may include wetlands. ASWM</p>





State	Regulations
South Carolina	<p>SCDHEC’s Office of Environmental Quality Control (OEQC), Bureau of Water regulates waters of the state, including wetlands, and issues §401 certifications under the Clean Water Act (CWA).</p> <p>South Carolina does not currently have a state wetland program plan. However, the state is currently working on the development of a state wetland program plan (funded by EPA state wetland program grants) and plans to have this plan ready for approval by the end of 2015. South Carolina does not currently have a state wetland program plan. However, the state is currently working on the development of a state wetland program plan (funded by EPA state wetland program grants) and plans to have this plan ready for approval by the end of 2015.</p> <p>South Carolina had a task force working on buffer protections, but the task force's recommendations were not adopted. While there are several local ordinances around the state that address buffer requirements, there are not statewide laws or requirements.</p> <p>ASWM</p>
Tennessee	<p>The state provides some protections from construction for buffers through the statewide stormwater program. Additionally, Phase 1 and 2 MS4s must develop permanent buffers to achieve compliance with post-construction requirements.</p> <p><a href="https://www.aswm.org/pdf_lib/state_summaries/tennessee_state_wetland_program_summary_083115.pdf">https://www.aswm.org/pdf_lib/state_summaries/tennessee_state_wetland_program_summary_083115.pdf</a></p>

