

What is a Wetland?

Considerations for Communities in Oregon



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What is a wetland?

A wetland is an area that is saturated with water, either permanently or seasonally, that also supports vegetation.

Where do they occur?

Wetlands are common in coastal areas and adjacent to bodies of water (such as streams or rivers). The US Army Corps of Engineers (USACE) is responsible for the national identification of wetlands, based on guidelines from its 1983 Wetland Delineation Manual.

In general, however, wetlands can be identified by:

- An abundance of standing water or saturated soils
- Hydric (wetland-specific) soil types
- The presence of wetland plants

Are wetlands federally protected?

It depends.

Until recently, wetlands were widely considered to be part of the 'Waters of the United States' (WOTUS), as described in the Clean Water Act's (CWA) Rule 404, and subject to protections under the CWA regarding discharge of dredged or fill material. However, the 2023 ruling by the Supreme Court in *Sackett v. EPA* has greatly restricted the federal definition of wetlands to those with "continuous surface connection" to another recognized WOTUS.

This imperils a significant portion of wetlands in the United States that exist without a "continuous surface connection" to other water bodies - making 71 million acres of wetland across the United States vulnerable to pollution and removal under a worst-case scenario implementation of the new rules.

Are Oregon wetlands protected?

Yes.

Oregon's Removal-Fill law, which predates the CWA, regulates activities involving removing or filling material in waters of the state - *including wetlands*.

The State of Oregon also has rules in place for wetlands under Goal 5 of its Land Use Planning Program. To be in compliance with Goal 5, areas within Urban Growth Boundaries (UGBs), as well as Urban Unincorporated Communities (UUCs) must inventory and map wetlands within their jurisdiction, determine their significance, and incorporate that information into their comprehensive plan for the area.

Determining the significance of the wetland must be carried out in alignment with the Division of State Lands (DSL) criteria. DSL is the state authority responsible for issuing permits for development that impacts wetlands. The determination of significance is carried out by the local governing body.



Are wetlands important for humans?

Yes.

Wetlands have been nicknamed the ‘kidneys of the Earth’ for the vital role they play in cleaning our environment.

For humans, wetlands provide multiple important services. To name a few, they:

- Absorb, store, and filter water
- Slow down and purify surface runoff and recharge aquifers
- Make the surrounding area less prone to wildfire
- Store vast amounts of carbon
- Protect homes and communities from flooding and high water associated with storms
- Can help reduce rates for federal flood insurance in communities who conserve wetlands for the purpose of water management
- Provide valuable scenic beauty and attract a plethora of wildlife for viewing

Are wetlands important for plants & animals?

Yes.

Wetlands are a vital and often threatened ecosystem.

- 40% of all plants and animals rely on wetlands to provide habitat for at least part of their life cycle
- Wetlands provide essential habitat for 1/3 of North American bird species
- More than 1/3 of all 1300 species on the Endangered Species Act (ESA) list live their entire lives in wetlands
- Nearly half of all ESA species use wetlands as stopovers in migration

HOW WETLANDS CONTRIBUTE TO COMMUNITY HEALTH

BIODIVERSITY HUB

ENDANGERED SPECIES HABITAT

CRITICAL MIGRATORY BIRD HABITAT

SLOWS RUNOFF

FLOOD PROTECTION

WILDFIRE RESISTANCE

CARBON SEQUESTRATION

SCENIC BEAUTY



Why are wetlands threatened?

Wetlands are filled in so they can be replaced with agriculture or other development. Since European settlers arrived, *more than half of all wetlands in the United States have been destroyed*. The removal of wetlands has pushed many species onto the ESA list, and threatens many others.

Wetland removal also endangers drinking water supply and quality by eliminating an important storage and filtration system from our environment.

How can I help?

There are many ways to work toward better stewardship of our wetlands. Start by contacting your local governing official(s) to let them know that wetland protection and restoration is important for community health. If you are able, volunteer or give money to organizations who are working to protect and restore wetlands. If you have wetlands on your property, utilize best management practices and be sure to follow all applicable rules and regulations.