



A Bipartisan Legacy of Clean Water for America's Communities

1972 The Clean Water Act is enacted by Congress under President Nixon

Amended from the Federal Pollution Control Act of 1948, the Clean Water Act (CWA) made restoring and maintaining the integrity of our nation's waters a priority for the federal government and national policy. Republican Senator Baker remarked that the CWA is "far and away the most significant and promising piece of environmental legislation ever enacted by the Congress."

1977 Amendments prioritizing wetlands signed into law by President Carter

These amendments authorized the Secretary of the Interior to create a National Wetlands Inventory. In reflecting on the amendments' accomplishments, President Carter applauded the legislation's "strong wetlands protection program."

1987 Amendments expanding jurisdiction enacted by Congress under President Reagan

These amendments expanded the jurisdiction of the CWA to include nonpoint source pollution and passed with overwhelming bipartisan support. At the time, nonpoint source pollution represented over half of the country's water pollution problems.

1989 "No Net Loss" policy established by President H.W. Bush's Administration

After campaigning on the policy, President George H.W. Bush's administration established "No Net Loss" of wetlands as a national goal. Rather than "No Loss," the "No Net Loss" policy recognizes the reality of development and supports compensatory mitigation solutions that replace lost wetlands. The three subsequent presidential administrations all endorsed and adopted "No Net Loss."

1995 Agencies issue federal guidance on mitigation banks under President Clinton

Following support of mitigation banking in the 1993 White House Office on Environmental Policy's "Protecting America's Wetlands" paper, the EPA, the Corps, FWS NOAA and USDA issued final federal guidance on the creation and operation of mitigation banks. This guidance solidified the regulatory certainty of mitigation banks as a compensatory mitigation option and encouraged tremendous growth in the private sector mitigation banking market.

2004 Congress directs rulemaking on mitigation banking standards

The Supplemental Defense Authorization Bill endorsed mitigation banks as an off-set mechanism for military actions and aided the push for regulatory certainty in the industry. Specifically, the bill gave clear instruction to the Corps to develop performance standards and criteria for banks and their credits.

2008 Joint rulemaking on compensatory mitigation under President Bush

The EPA and Corps' 2008 rule expanded existing guidelines to clarify and improve implementation, monitoring and performance criteria of wetland and stream mitigation banks. EPA Assistant Administrator Grumbles hailed the rule for achieving the President's watershed goals "through sound science, market-based approaches, and cooperative conservation."