

The Ramsar Convention on Wetlands: Assessment of International Designations Within the United States

The Ramsar Convention is an international framework used to protect wetlands. At this time, the United States has 22 designated sites listed as wetlands of international importance. In this Article, the authors analyze survey data collected from each of these 22 sites to determine whether and how Ramsar designation benefits these wetland areas.

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Issues related to wetlands and wetland protection often involve boundaries. Sometimes the lines are drawn on the ground, delineating between so-called “jurisdictional” wetlands and uplands. Sometimes the boundaries are conceptual: trying to determine the proper relationship between the federal and state governments with respect to wetland permits, or trying to balance the need to protect the aquatic environment without inappropriately limiting activities on private property. Other times international boundaries are implicated, thus requiring a multilateral approach to wetland issues.

At the international level, the Convention on Wetlands of International Importance especially as Waterfowl Habitat (often referred to as the Convention on Wetlands or the Ramsar Convention)¹ provides a useful framework for cooperative efforts to protect wetlands and the benefits that people derive from these areas.

More than 150 countries, including the United States, are parties to this treaty.² As of January 2007, the Ramsar parties have designated over 1,625 sites, from the Okavango Delta in Botswana (6,864,000 hectares) to Hosnie’s Spring in Australia (one hectare).³ Since its 1987 ratification of the Ramsar Convention, the United States has designated 22 sites as wetlands of international importance (see Figure 1).⁴ At the outset of 2007, several more sites are in the application process.⁵

The “three pillars” of the Convention are: (1) to designate sites as wetlands of international importance; (2) to apply a “wise use” concept to all wetlands within a party’s territory; and (3) to

engage in international cooperation.⁶ Its nonregulatory approach has led some to ask what benefits are associated with Ramsar designation. For example, the United States has a maze of federal, state, and local laws that protect wetlands, so does the international recognition of a site provide any additional returns? To answer this question, we surveyed all 22 U.S. Ramsar sites.⁷ Although the results varied from site to site, we found that Ramsar designation adds some value to all sites.

Results of the Survey of U.S. Ramsar Sites *Increased Funding Opportunities*

The most commonly identified benefit related to funding opportunities. Many of the sites require active management and protection; sometimes the sites need restoration. In a time of heavy competition for public and private monies, the ability to emphasize that the site is a wetland of international importance has assisted, or is perceived to assist, with funding. Seventeen of the sites reported that Ramsar designation had helped with grant applications or other funding requests.

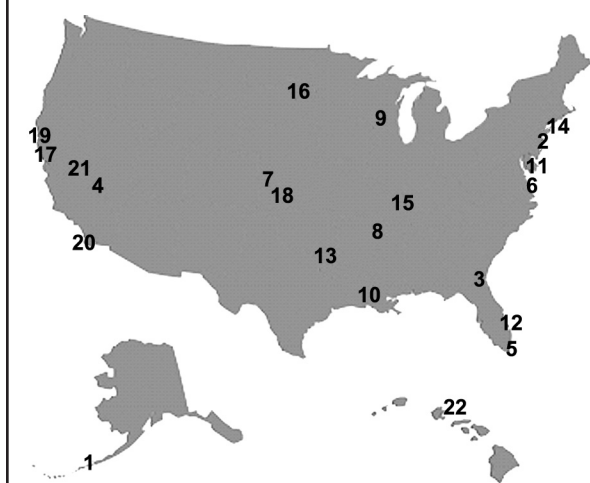
Indeed, one respondent for Horicon Marsh characterized the funding aspect as “perhaps the biggest benefit,” noting that the designation is “commonly cited” in grant applications. Forsythe National Wildlife Refuge “always mention[s] the refuge’s Ramsar status” when making land acquisition requests through the Department of Interior’s Land and Water Conservation Fund.⁸ Similarly, Everglades National Park uses the designation, along with others, to reinforce the site’s ecological significance when applying for grants.

Two respondents noted that Ramsar designation played an important role in obtaining funding for restoration projects. Ramsar status helped convince the U.S. Army Corps of Engineers to proceed with a restoration project at Blackwater National Wildlife Refuge,⁹ which is part of the Chesapeake Bay Ramsar site. At Catahoula Lake, Louisiana, the Corps conducted a restoration project that focused on woody vegetation control and improved drainage patterns during annual summer drawdowns.¹⁰

Ramsar status can also be helpful in terms of grants sought by groups that support particular sites. Quivira National Wildlife Refuge reported that Ramsar designation helped a “Friends” group

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U.S. Ramsar Sites



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|-------------------------------------|---|
| 1. Izembek NWR | 13. Caddo Lake |
| 2. Forsythe NWR | 14. Connecticut River Estuary |
| 3. Okefenokee NWR | 15. Cache River-Cypress Creek Wetlands |
| 4. Ash Meadows NWR | 16. Sand Lake NWR |
| 5. Everglades National Park | 17. Bolinas Lagoon |
| 6. Chesapeake Bay Estuarine Complex | 18. Quivira NWR |
| 7. Cheyenne Bottoms | 19. Tomales Bay |
| 8. Cache-Lower White Rivers | 20. Tijuana River National Estuarine Research Reserve |
| 9. Horicon Marsh | 21. Grassland Ecological Area |
| 10. Catahoula Lake | 22. Kawainui and Hamakua Marsh Complex |
| 11. Delaware Bay Estuary | |
| 12. Pelican Island NWR | |

Source: U.S. FWS

receive financial support from companies and local communities. Likewise, Delaware Bay stated that conservation organizations such as The Nature Conservancy and Delaware Wild Lands used the Ramsar designation successfully to obtain North American Wetlands Conservation Act grants.

Support for Protection of the Site and Surrounding Areas

Unlike many wetlands, U.S. Ramsar sites currently are not under threat of imminent development. Nevertheless, Ramsar sites are similar to other wetlands in at least one regard: they can be adversely affected by development activities that take place off-site. Ramsar designation has been identified as assisting in blunting these off-site threats in the following three ways.

One way to protect a site from off-site threats is to expand the site itself or to increase the buffer area between the site and development activities. Accordingly, a helpful benefit of Ramsar designation is that it can make acquisition of surrounding lands easier. A respondent from Cheyenne Bottoms noted that the international designation helped create interest in the area that led to The Nature Conservancy acquiring 7,300 acres, which is now part of the site.¹¹ Ramsar designation can even encourage the transfer of property from one governmental agency to another agency that will likely be a more devoted steward, as Caddo Lake illustrates. There, an unused military installation near the Ramsar site was transferred to the U.S. Fish and Wildlife Service and is now the site of the Caddo Lake National Wildlife Refuge.¹²

In terms of site protection, a second way Ramsar designation can help reduce off-site threats is by encouraging partnerships that focus on watershed conservation efforts. The Cache River Wetlands Joint Venture Partnership (JVP) illustrates this point. Working with local organizations on research and planning, restoration, sediment reduction, and education and outreach efforts, the JVP, which includes federal and state agencies as well as Ducks Unlim-

ited and The Nature Conservancy, has assisted in raising more than \$50 million and protecting almost 36,000 acres.¹³

The third way that Ramsar designation can be useful in dealing with off-site threats is its invocation during planned development. Keeping in mind that Ramsar is not regulatory, it has nevertheless been employed to defeat (or influence) proposed projects that threatened a Ramsar site's ecological integrity. For example, when DuPont announced its plan to strip mine for titanium near the Okefenokee Swamp, the Ramsar designation helped bolster public opposition (both domestically and abroad). DuPont eventually abandoned its mining project and donated 16,000 acres to the Conservation Fund.¹⁴

Sometimes it is even necessary to invoke the Ramsar designation to protect the site from within. For example, site managers of White River National Wildlife Refuge and Cache River National Wildlife Refuge—part of the Cache-Lower White Rivers Ramsar site—effectively used the designation to help hold at bay a proposed 120-mile navigation project within the refuges on the White River.¹⁵

Of course, Ramsar designation is not intended to restrict all projects within a certain radius, and projects that can negatively affect a site do move forward. The Ramsar designation, however, should be viewed as an additional tool in educating the public and decisionmakers about the risks associated with nearby projects.

Science and Tourism

Ramsar designation typically leads to increased attention to a site, which can lead to increased interest by the scientific community. Izembek National Wildlife Refuge in Alaska noted that Ramsar designation contributed to eel grass studies, waterfowl disturbance studies, and Brant studies. In Connecticut, the state Department of Environmental Protection and the U.S. Environmental Protection Agency have allocated funds for research and monitoring of the Connecticut River Ramsar site. Catahoula Lake reported that

the U.S. Geological Survey has been conducting vegetation and lakebed elevation studies, and Ducks Unlimited used satellite imagery to produce vegetation maps. Ramsar designation was credited, in part, as the impetus for these projects.

The survey also asked Ramsar sites whether the designation contributed to an increase in tourism. Most noted that the vast majority of visitors were unaware of a particular site's international status and that it was difficult to quantify Ramsar's impact. Some, such as Izembek National Wildlife Refuge, stated that Ramsar was responsible for a limited number of visitors. The most positive report came from Caddo Lake, which credited Ramsar designation with the creation of new tourism-related businesses.

Problems Associated with Ramsar Designation

The survey expressly asked whether Ramsar designation had caused any problems for the sites. The responses almost uniformly indicated that affiliation with the Ramsar Convention created no difficulties.

Recommendations to Strengthen Ramsar in the U.S.

While the benefits may vary from site to site, it is clear that Ramsar designation is more than a mere award or accolade. Making the Ramsar Convention even more relevant and effective within the United States will require action on a number of different levels, from the federal government to the site managers and local communities. Our recommendations are relatively simple and do not call for a significant increase in spending; rather, they suggest a reordering of priorities within existing programs. Moreover, many of the recommendations are mutually reinforcing. As detailed below, we have six suggestions, set forth in no particular order of importance.

Continue Engagement at the International Level

The United States should remain an active participant in the Ramsar Convention at the international level. It is important for many reasons, both environmental and strategic,¹⁶ for the United States to maintain multilateral relationships, especially in light of the United States' absence from other multilateral environmental agreements, such as the U.N. Convention on the Law of the Sea,¹⁷ the Convention on Biological Diversity,¹⁸ the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal,¹⁹ and the Kyoto Protocol.²⁰ In a world that requires alliances to battle many global challenges, it would be shortsighted to retreat from this forum.

Yet the United States is not represented solely by the U.S. government in Ramsar bodies. U.S.-based nongovernmental organizations, such as Ducks Unlimited, The Nature Conservancy, and the Society of Wetland Scientists, have signed memoranda of cooperation with the Ramsar Secretariat.²¹ Such organizations have observer status at Ramsar meetings and should continue to participate in the development of Ramsar policies and programs.

Promote the Ramsar Designation

Although there is great pride among those who work at or live near a Ramsar site and who are aware of its designation, frequent-

ly the international status of the site is not well known. Ramsar designation should be better promoted in several ways.

First, as the survey results indicated, signage at Ramsar sites is an area that needs improvement. Signs tell the world that a particular site has been deemed internationally valuable and that it is part of a coordinated network. Uniform signs would underscore that message. While the decision to designate a site rests with the federal government, the award does not come with a guarantee of money, nor should it, necessarily. Nevertheless, in recognition of the award, the federal government should consider funding uniform Ramsar signage.

Even in those situations where on-site signage is not practicable, the Ramsar designation can be emphasized in other ways. At the Ramsar site, guides and educators can incorporate a discussion of the designation in brochures and tours. Or, like the Tijuana River Estuary, site managers can include the Ramsar logo on their letterhead and publications. It would be a small but persistent reminder of the site's status and value.

Furthermore, there are opportunities to highlight Ramsar designation off-site. The highways or roads leading to a site can note the Ramsar designation. Local chambers of commerce and tourism centers can be educated about the significance of Ramsar designation and then encouraged to pass this information on to the public. As Caddo Lake has demonstrated, even businesses can be shown that it is in their interest to highlight the Ramsar site within their communities.

Site managers should not be expected to bear the burden of promoting the Ramsar designation alone. There should be readily available wells of support from which to draw, if certain obligations are pointed out.

Maintain, Establish, or Increase Preferences for Grants for Environmental Projects in or Associated with Ramsar Sites

Many respondents reported that Ramsar designation assisted with obtaining grants, and some even offered examples. Yet our review of several current grant and assistance programs found that they do not always give credit to Ramsar sites because of the international designation. This is not to say that the Ramsar designation did not influence the award of the grants, but its utility in quantitative scoring is not always clear. Accordingly, we recommend that Ramsar sites and associated areas receive a quantifiable preference when scoring is used in funding decisions.

Consider, for example, the North American Wetlands Conservation Act (NAWCA).²² NAWCA specifically refers to the Ramsar Convention, suggesting that NAWCA helps satisfy U.S. obligations under the treaty.²³ To further wetlands conservation in North America, NAWCA establishes a grant program to fund wetland-related projects.²⁴ Grants are based on a combination of a proposal's score and ranking. Until recently, Ramsar designation provided a quantitative benefit in the scoring.²⁵ Beginning in 2006, the North American Wetlands Conservation Council eliminated the reference to Ramsar sites.²⁶ While Ramsar site information is typically highlighted in the submitted proposals, and NAWCA evaluators are aware of the significance of these sites, much is left up to the discretion of

the individual evaluators as to whether a Ramsar designation matters at all. Thus, we recommend that the instructions be clarified to note that Ramsar sites are “national priority wetland areas” and “regionally important wetland areas.” Such an approach would be entirely consistent with NAWCA and the U.S. government’s international obligation to promote the conservation of its Ramsar sites.

The Wetlands Reserve Program (WRP),²⁷ which pays farmers to restore wetlands and place conservation easements on them,²⁸ provides another opportunity to enhance and protect areas near Ramsar sites. The focus of WRP can vary from state to state, as do the ranking criteria, and proposed projects near Ramsar sites generally do not seem to be accorded additional points, at least due to the Ramsar designation. A slight tweak to the WRP ranking criteria would encourage and reward farmers near Ramsar sites to restore and protect their wetlands, and such actions would in many cases further protect designated Ramsar sites from off-site impacts.

Establish Preferences for Restoration Work Within Ramsar Sites

The Corps can rely on several authorities to conduct environmental restoration work relevant to Ramsar sites. Section 1135 of the 1986 Water Resources Development Act (WRDA)²⁹ permits the Corps to modify its existing projects to improve fish and wildlife habitat, including wetland restoration.³⁰ Section 206 of the 1996 WRDA³¹ allows the Corps to restore fish and wildlife habitat even when the activity is not related to an existing Corps project.³² Under either authority, Congress and/or the Corps should establish a preference for environmental restoration projects related to Ramsar sites.

In cases where the Corps or the Ramsar site is not able to fund needed restoration projects, there may be another option to consider: creating a wetland mitigation bank. If a Ramsar site requires restoration work, and government budgets cannot fund the needed project, it is worth considering this alternative. While such a notion is controversial, it should be examined as an option for Ramsar site managers to draw upon in limited circumstances.³³

Update Nomination Procedures

To encourage additional Ramsar designations within the United States, the U.S. Fish and Wildlife Service should (with the assistance of the U.S. National Ramsar Committee) update and clarify the nomination procedures for several reasons. The last time the FWS published the procedures in the *Federal Register* was 1990,³⁴ but the Ramsar Parties have since modified the criteria for designation. The FWS issued an update,³⁵ but it too no longer reflects current designation criteria. A more formal notice in the *Federal Register* would serve to provide the definitive source for the designation process within the United States. The updated procedures should also note the responsibilities of Ramsar site managers, the most important of which is the long-term protection of the site. And any new Ramsar site should include in its nomination packet a point of contact responsible for updating necessary paperwork.

Celebrate and Support World Wetlands Day

In the United States, February 2 often invokes images of Punxsutawney Phil and Groundhog Day. It is also, however, World Wetlands Day, commemorating the conclusion of the Ramsar Convention in 1971.³⁶ World Wetlands Day is yet another opportunity to educate people about the Ramsar Convention and the value of wetlands. On this day, Ramsar sites sponsor programs, environmental organizations hold wetland-related events, universities host speakers, and newspapers publish editorials. Such activities should be expanded. Ideally, these activities will help us reach across boundaries to work together to make progress in wetland conservation efforts.

Conclusion

We hope that readers take from this article the sense of pride and honor experienced by most sites in association with their Ramsar designation. In this age of uncertainty about the future of U.S. wetland policy, it is helpful to celebrate the wonders of some of our nation’s most important wetland resources, from the Everglades to the Okefenokee. It is also important to encourage the designation of other wetlands across the nation and around the world to celebrate their functions, values, and uniqueness. ■

ENDNOTES

- 1 Convention on Wetlands of International Importance especially as Waterfowl Habitat, Feb. 2, 1971, T.I.A.S. No. 1084, 996 U.N.T.S. 245 (amended 1982 & 1987).
- 2 Ramsar, *Contracting Parties to the Ramsar Convention on Wetlands*, http://www.ramsar.org/key_cps.htm (last visited Nov. 17, 2006).
- 3 See Ramsar, *The Ramsar List of Wetlands of International Importance* (Oct. 4, 2006), http://www.ramsar.org/index_list.htm (last visited Nov. 17, 2006).
- 4 *Id.*
- 5 The sites in the process of applying for Ramsar designation in the United States include Congaree National Park and Four Holes Swamp in South Carolina, and Corkscrew Swamp Sanctuary (which was recently expanded with acquisitions from Panther Island Mitigation Bank) in Florida.
- 6 RAMSAR CONVENTION SECRETARIAT, *THE RAMSAR CONVENTION MANUAL: A GUIDE TO THE CONVENTION ON WETLANDS* 13 (3d ed. 2004), available at http://www.ramsar.org/lib/lib_manual2004e.htm.
- 7 For an in-depth look at the Ramsar Convention and the survey responses, see Royal C. Gardner & Kim Diana Connolly, *The Ramsar Convention on Wetlands: Assessment of International Designations Within the United States*, 37 ENVTL. L. REP. 10089 (Feb. 2007) (providing survey questions and responses).
- 8 U.S. FISH & WILDLIFE SERVICE, FY 2007, LAND AND WATER CONSERVATION FUND, LAND ACQUISITION PRIORITY SYSTEM COMPONENT SCORES (May 5, 2005) (listing Forsythe at number 28 out of 128).
- 9 See National Aquarium in Baltimore, *Restoration Efforts at Blackwater National Wildlife Refuge Declared a Success*, http://www.aqua.org/news_pr_blackwater.html (last visited Dec. 10, 2006).
- 10 The respondent stated that the project was a Water Resources Development Act §1135 project.
- 11 See Cheyenne Bottoms, *About The Nature Conservancy Preserve at Cheyenne Bottoms*, http://www.cheyennebottoms.net/about_tnc.html (last visited Nov. 16, 2006).
- 12 See U.S. Fish & Wildlife Service, Establishment of Caddo Lake National Wildlife Refuge, 65 Fed. Reg. 62748 (Oct. 19, 2000).
- 13 The Cache River Wetlands Joint Venture, *A Watershed Scale Restoration Project*, at 2-3 (stating that “this restoration effort had received more than \$30 million in public and private funding for land acquisition and \$10 million for habitat restoration, research projects, and environmental education in the watershed,” along with another \$10 million matching funds and in-kind contributions).

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multiple functions will continue, and demand may be unsustainable in the long run.

Water quality trading appears to have an easier path than wetland mitigation banking in some of the issues presented above, and in others, harder. But in most cases it is a *different* path—in some aspects closer to air emissions trading, in some aspects entirely novel. The decade of experience with a market in wetland credits can offer a great deal by both positive and negative example, but in the end there is no royal road to the establishment of a market in water quality. If there is one overarching lesson from wetland mitigation banking, it is that water quality trading policy cannot be formulated in the abstract, but must be developed in response to the specific problems and contradictions that appear in actual trades and markets. ■

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- U.S. EPA & U.S. Army Corps of Engineers, Compensatory Mitigation for Losses of Aquatic Resources, 71 Fed. Reg. 15520 (Mar. 28, 2006).
- RAMSAR CONVENTION, *continued from page 9*
- ¹⁴ See Editorial, *Environment has a friend in DuPont*, ATLANTA J. & CONST., Aug. 28, 2003, at A18.
- ¹⁵ See *Arkansas's liquid gold: People, thirsty fields, delicate environment all compete for water*, ARK. TIMES, Nov. 2, 2001, at 12.
- ¹⁶ Royal C. Gardner, *International Assistance, Sustainable Development, and the War on Terrorism*, 32 ENVTL. L. REP. 10681 (2002) (reprinted as *Official Development Assistance*, in STUMBLING TOWARD SUSTAINABILITY 149 (John Dernbach ed., Envtl. L. Inst. 2002)).
- ¹⁷ United Nations Convention on the Law of the Sea, Dec. 10, 1982, 33 I.L.M. 1309.
- ¹⁸ Convention on Biological Diversity, June 5, 1992, 1760 U.N.T.S. 143.
- ¹⁹ Basel Convention on Transboundary Movements of Hazardous Wastes and their Disposal, Mar. 22, 1989, 28 I.L.M. 649.
- ²⁰ Kyoto Protocol to the United Nations Framework Convention on Climate Change, Dec. 10, 1997, UN Doc. FCCC/CP/1997/1/Add.2, *available at* http://unfccc.int/kyoto_protocol/items/2830.php.
- ²¹ Memorandum of Cooperation between The Bureau of the Convention on Wetlands (Ramsar, Iran, 1971) and Ducks Unlimited (July 21, 2001), *available at* http://www.ramsar.org/moc/key_du_moc.htm (last visited Nov. 20, 2006); Memorandum of Cooperation between The Bureau of the Convention on Wetlands (Ramsar, Iran, 1971) and The Nature Conservancy (Sept. 26, 2000), *available at* http://www.ramsar.org/moc/key_natureconservancy_moc.htm (last visited Nov. 20, 2006); Memorandum of Cooperation between The Convention on Wetlands (Ramsar, Iran, 1971) and The Society of Wetland Scientists (Oct. 4, 2004), *available at* http://www.ramsar.org/moc/key_sws_moc_2004.htm (last visited Nov. 20, 2006).
- ²² 16 U.S.C. §§4401-4414.
- ²³ *Id.* §4401(a)(15).
- ²⁴ *Id.* §4404 (listing criteria for approval of wetland conservation projects).
- ²⁵ See, e.g. 2003 Technical Assessment Question 3 (listing specially recognized sites) (on file with authors).
- ²⁶ See North American Wetlands Conservation Act, United States Standard Grant, 2006 Proposal Instructions, at 3 (noting that Technical Assessment Question had been modified), *available at* <http://www.fws.gov/birdhabitat/Grants/NAWCA/Standard/US/files/ProposalInstructions.pdf>.
- ²⁷ Basic information about the Wetlands Reserve Program can be found at Natural Resources Conservation Service (NRCS), *Wetlands Reserve Program*, at <http://www.nrcs.usda.gov/PROGRAMS/wrp/> (last visited Nov. 20, 2006).
- ²⁸ See NRCS, *Key Points—Farm Bill 2002: Wetlands Reserve Program*, <http://www.nrcs.usda.gov/PROGRAMS/farmbill/2002/pdf/WRPKyPts.pdf>.
- ²⁹ Water Resources Development Act of 1986, 33 U.S.C. §§2201 et seq.; Pub. L. No. 99-662, Nov. 17, 1986, 100 Stat. 4082, *available at* <http://epw.senate.gov/wrda86.pdf>.
- ³⁰ See U.S. Army Corps of Engineers, *SECTION 1135—Authority for: Project Modifications to Improve the Environment*, *available at* <http://www.nww.usace.army.mil/html/pub/ap/facts/sec1135.pdf>.
- ³¹ Water Resources Development Act of 1996, 33 U.S.C. §2330. See <http://epw.senate.gov/wrda96.pdf> for a full copy of the 1996 WRDA.
- ³² See U.S. Army Corps of Engineers, *SECTION 206—Authority for: Aquatic Ecosystem Restoration*, *available at* <http://www.nww.usace.army.mil/html/pub/ap/facts/sec206.pdf>
- ³³ Public comment should be sought before this concept goes forward at a particular site. Additional limitations we would suggest include requiring the bank to be created only in the context of a formal watershed plan. See Ramsar, Resolution VIII.16, *Principles and guidelines for wetland restoration*, http://www.ramsar.org/res/key_res_viii_16_e.htm (last visited Nov. 20, 2006) (discussing importance of stakeholder involvement and catchment (watershed) considerations in restoration projects).
- ³⁴ See U.S. Dep't of Interior, Policy on Wetlands of International Importance, 55 Fed. Reg. 13,856 (Apr. 12, 1990).
- ³⁵ U.S. Fish & Wildlife Service, International Affairs, *Ramsar Convention on Wetlands Fact Sheet*, <http://www.fws.gov/international/ramsar/factsheet.htm> (last visited Nov. 20, 2006).
- ³⁶ Ramsar, *World Wetlands Day, February 2*, http://www.ramsar.org/wwd/wwd_index.htm (last visited Dec. 10, 2006).