



# Protecting Waters and Wetlands in Indian Country: A Guide for Developing Tribal Wetland Management Programs

## **Presenters:**

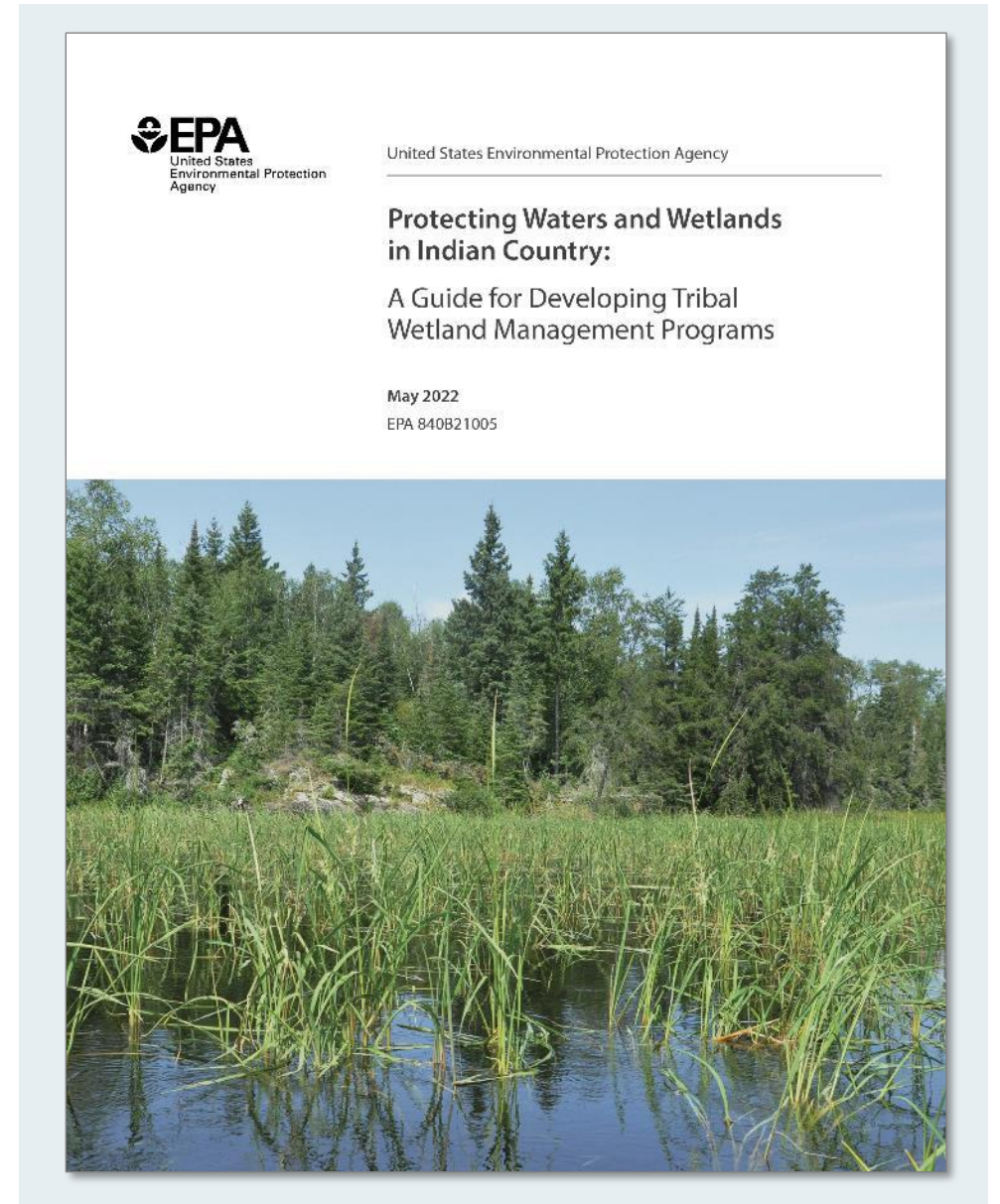
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# Presentation Overview

Designed for tribes and those who work for tribes interested in the protection, restoration, and management of wetlands and waters in Indian Country

- Guide development process
- Organization and contents of the Guide
- Examples and highlights from sections of the Guide
- Information on how to learn more about managing, protecting, and restoring waters and wetlands in Indian Country



# Tribal Wetlands / Importance

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- Need for healthy, sustainable wetlands – both on tribal and non-tribal land
- Critical to the health of ecosystems within and beyond tribal borders
- Special significance for tribes:
  - Role in cultural practices and traditions
  - Tied to the greater health and well-being of the community
- Increasing stresses on tribal wetlands:
  - Climate change unpredictability
  - Development causing pollution
  - Shrinking budgets to address challenges



# What Tribes Need to Protect Wetlands



## Identified Needs:

- Greater capacity, more training and information targeted for tribes
- Increased funding and streamlined process
- Improved systems for data management
- Protection of cultural resources
- Stronger relationships, partnering, collaboration
- Preparation for drought and climate change

## How were needs identified?

- “Tribal Wetlands Project: Arid Southwest and Rocky Mountain Eco-Regions Assessment Report,” November 2016
- Tribal Wetlands Workshop, Albuquerque 2017
- EPA-Tribal Wetlands Virtual Workshop, 2021

# National Association of Wetland Managers (NAWM) Handbook

- NAWM handbook offers excellent information for both states and tribes
- Published in 2013, updates are planned
- Tribes have requested a tribally centered guide that provides emphasis on addressing specific needs
- This Guide is complementary to existing NAWM handbook



## Wetland Program Plans Handbook

*A resource to assist states and tribes in developing strategic approaches to achieve comprehensive Wetland Programs*

# What Makes This Guide Different

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- Updates information since drafting of 2013 NAWM Handbook
- Addresses Traditional Ecological Knowledge (TEK) and cultural values for consideration in the development of Wetland Program Plans and the EPA's Core Elements Framework
- Focuses on practical, real-world issues and application
- Includes funding, grant, and other resource opportunities
- Includes 17 case studies and additional tribal examples throughout
- Offers models for collaboration and partnerships both among tribes, and between tribes and external entities like universities; federal, state and local agencies; non-profits; and neighboring communities



# Development of the Guide



- EPA-Tribal collaborative effort
- EPA Prime Contractor: ERG, and ERG sub-contractors: Consensus Building Institute and Lucy Moore Associates
- Formed Tribal Roundtable to set priorities for the Guide, recommend format, structure and tone, and review drafts
- Roundtable met 8 times between October 2020 and October 2021, and participated in comment period for final draft
- Rich discussions, increased understanding of diversity of interests
- MABU, Native-owned firm, provided graphics and design
- EPA-led comment period, both internal and external
- NAWM facilitated finishing touches
- Official Release

# Roundtable Members



- Matt Baerwalde, **Snoqualmie Indian Tribe**
- James Duffield, **Hopi Tribe**
- Tom Elliott, **Yakama Nation**
- Tabitha Espinoza, **Confederated Salish and Kootenai Tribes**
- Rick Gitar, **Fond Du Lac Band of Lake Superior Chippewa**
- Rue Hewett Hoover, **Nez Perce Tribe**
- Mike Jones, **Mohican Nation - Stockbridge Munsee Community Band**
- Kathleen Kutschenreuter, **EPA Headquarters**
- Kerstien McMurl, **Iowa Tribe of Oklahoma**
- Robyn Mercer, **Pyramid Lake Paiute Tribe**
- Tyler Orgon, **Red Lake Band of Chippewa**
- Toney Ott, **EPA Region 8**
- Verna Potts, **Prairie Band Potawatomi Nation**
- Kelly Schott, **Meskwaki Nation; Sac & Fox Tribe of the Mississippi in Iowa**
- Benjamin Simpson, **Penobscot Indian Nation**
- Tiernan W. Smith, **St. Regis Mohawk Tribe**
- Marla Stelk, **NAWM**
- Linda Storm, **EPA Region 10**
- Rachel Vaughn, **Southern Ute Indian Tribe**
- Kerryann Weaver, **EPA Region 5**
- Yvette Wiley, **Iowa Tribe of Oklahoma**





**Roundtable Members (approximate locations)**

Green: Tribal Staff Members

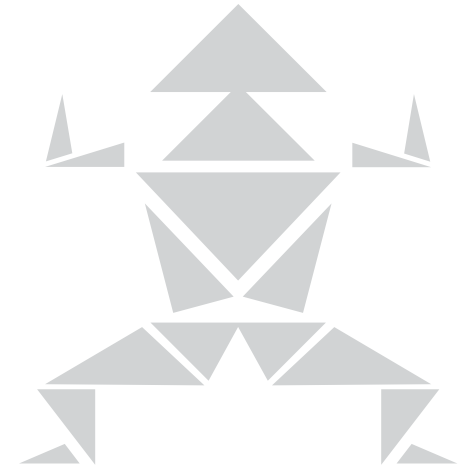
Blue: EPA Staff Members

# Direction from the Roundtable

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## **The Guide should account for diversity in:**

- Geography and landscape, land size and status
- Staffing and resource capacity
- Population and demographics
- Government structure, organization of services
- Status of wetlands and wetland programs – from non-existent to full and robust



# Direction from the Roundtable



## **The Guide should be:**

- Tribal-centered and show how EPA programs and requirements can include and support TEK and cultural values, and vice versa
- Easy to navigate for the new or advanced wetlands staff
- Written in clear language

## **This Guide should contain:**

- Photos, inset boxes, drawings to be graphics-rich
- Many tribal examples, case studies
- Links to references, documents, additional information

# What's in the Guide



## I. Introduction

- A. Need for This Guide
- B. Organization and How to Use

## II. Getting Started: Some Basics

- A. The 2013 NAWM Handbook
- B. EPA's Core Elements Framework
- C. Wetland Program Plans
- D. Questions and Answers

## III. Protecting Wetlands: Ingredients for Tribal Programs

- A. Incorporating Cultural Values and Traditional Ecological Knowledge
- B. Mapping, Monitoring, and Assessment
- C. Regulatory Approaches
- D. Water Quality Standards for Wetlands/CWA 401 Authority
- E. Voluntary Restoration and Protection
- F. Questions and Answers about the Core Elements Framework and Wetland Program Plans

## IV. Getting Help

- A. Wetland Program Development Grants
- B. Other Sources of Funding
- C. Tribal Collaboration Efforts and Partnerships
- D. Funding and Sustaining Wetland Programs Questions and Answers

### Appendix A: Roundtable Members

### Appendix B: Case Study Summaries

### Appendix C: Funding Matrix

### Appendix D: Additional Resources

# The Tribal Context (Section I: Introduction)

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*While each tribe has its own unique story, language, and history, all share an abiding and deep-rooted connection to the land. Wetlands and other waters play an important role in terms of ecological functions and cultural uses for tribes....*

*Historically, tribes would have had little need to think about protecting or restoring wetlands and waters because the traditional ways of life did not threaten these resources. However, living in constant touch with the natural world did result in an extraordinary accumulation of empirical knowledge and experience....*

*Tribes differ markedly in the number of members, size and contiguity of landholdings, climate and geography, extent and nature of aquatic resources, environmental challenges and threats, and financial circumstances. Tribal efforts to protect wetlands and other waters vary widely, ranging from informal actions to developed, multi-faceted programs....*

# The Heart of the Guide: Foundational Pieces; Tribal Considerations; Getting Help

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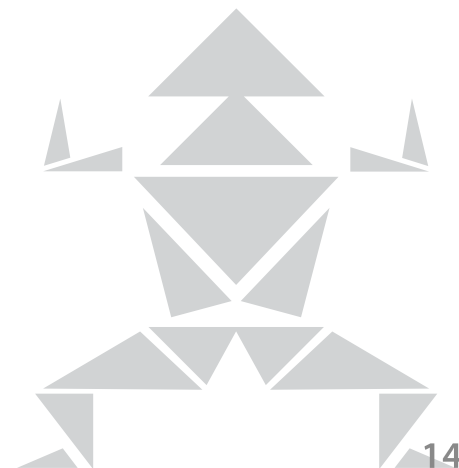
**Section II:** The foundational components: The Core Elements Framework (CEF), Wetland Program Plans (WPPs) and Wetland Program Development Grants (WPDGs).

**Section III:** Key tribal considerations, such as the cultural values and uses of wetlands, Indigenous Knowledge, strategic considerations in the tribal context, ways of taking advantage of the CEF, and decision-making.

**Section IV:** Existing or potential areas for assistance, including the WPDG program, other funding sources, intertribal cooperation efforts, such as the Pacific Northwest Tribal Wetlands Working Group, and partnerships of various kinds.

## Each Section Contains:

- Text summaries
- Examples and internal links to appended case studies
- Questions and answers



# The Core Elements Framework



**Monitoring & Assessment:** establish a baseline about the extent, condition, function, and observable trends of aquatic resources

**Regulatory:** protect and manage aquatic resources

**Voluntary Restoration & Protection:** achieve important protections while providing opportunities to build partnerships; educate; share data; and pool resources

**Wetland Water Quality Standards:** establish provisions to protect waters from degradation

# What's in the Guide: Question & Answer Sections

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**Q&A Sections are on pp. 9, 30, and 40 of the Guide. Some excerpts:**

*Q- With all the information out there, how do I go about developing a tribal wetland monitoring and assessment program?*

**A** - One place to learn more about developing a tribal monitoring and assessment program is <https://www.epa.gov/wetlands/how-do-i-develop-wetlands-monitoring-program>. To avoid “reinventing the wheel,” it’s helpful to identify and study what others have done in the same ecoregion. It may be useful to reach out to other tribes to learn about their wetland monitoring and assessment programs and protocols they are using.

*Q - Is there a place where I can review the range of tribal projects that EPA has funded under the WPDG program?*

**A** - Yes. A list of previously funded projects is posted at EPA’s Wetland Grant Database, located at <https://iaspub.epa.gov/apex/wgd/f?p=101>.

*Q It would seem that EPA has a number of specific requirements associated with WPDG applications. Where can I find the most up-to-date information?*

**A**- Tribes can monitor the relevant EPA websites, develop working relationships with EPA staff in their regions. A good place to start is <https://www.epa.gov/wetlands/wetland-program-development-grants-and-epa-wetlands-grant-coordinators>.



# What's In the Guide: Many Examples of Tribal Efforts

- **Northern Cheyenne** Tribal members use certain wetland and riparian plants for medicinal and cultural purposes... Utilizing an ethnobotanical approach, a list of plants that are of significant cultural value was developed through personal interviews with elders. Many of these plants are hydrophytic, and therefore are located within wetland or riparian habitats.
- The **Wiyot Tribe** respects and honors its wetland resources, biodiversity, and the functions and values they provide presently and for future generations. The Tribe will make efforts to restore their wetlands to their authentic and fully functioning state... The Wiyot Tribe plans to develop its wetland program through continued monitoring and assessment of wetland resource condition to ensure wetland protection.... [and] use this information to improve understanding of baseline wetland condition, develop benchmarks for wetlands restoration, inform development of wetland-specific water quality standards, and to prioritize wetland restoration and protection activities.
- The **Yurok Tribe**... is dedicated to the inventory, monitoring, assessment and protection of wetlands within the Yurok Reservation. This Wetlands Program Plan should be considered an Adaptive Management Plan, one that will be updated, as needed, based on emerging data and analysis... Plan development will use traditional ecological knowledge; fisheries and watershed programs experience and expertise; and our own departmental expertise in water quality, environmental monitoring, bioassessments, and environmental regulation to contribute to restoration of the Klamath River and its fisheries.
- The overall vision statement and goal for this [**Coeur d'Alene**] WPP is: "The earth gave grandmother the knowledge to live with the people, animals, and plants. This knowledge is to be used for our highest benefit, in turn, it will benefit all. Our lands are essential to our way of life. Our vision is to educate and conserve our wetlands. Our goal is to protect, restore, and enhance our wetlands. Our actions will assure that our cultural heritage will continue into the future."

# What's In the Guide: Many Examples of Tribal Efforts

## Red Lake Band of Chippewa Indians | Wetland Mapping Within the Red Lake Indian Reservation

The Red Lake Indian Reservation is located in north central Minnesota. Before 2016, the Tribe was relying on NWI wetland maps produced by USFWS dating back to the 1980s. Because of this, the Tribe felt that it was in their best interest to update the NWI for the contiguous portion of the reservation to determine if wetland extent had increased or decreased over time. The Red Lake Water Resources Program put together a WPDG in order to conduct the task within the WPP. The tribe wanted to update the NWI for the intact portion of the reservation and develop a shoreline ordinance to be followed during construction practices. Once funds became available in 2017, the Water Resources Program collaborated with the Red Lake Forestry Department to obtain land cover layers from timber cruises and logging cuts, and with USFWS to develop methodology that could highlight hydric soils using the ArcMap GIS tool. *Read the full case study [here](#).*

## Confederated Salish and Kootenai Tribes | CSKT Wetlands Restoration and Compensatory Mitigation Efforts

CSKT has a stringent Wetlands Conservation Plan that it implemented to reach the goal of “no net loss” of wetland acreage across the reservation beginning in the late 1990s. The plan provides for monitoring, assessment, and mapping of the reservation’s wetland resources. Most notably though, the plan (along with various tribal ordinances) is a regulatory tool that holds developers accountable for unavoidable impacts to wetlands, requiring 3-to-1 compensatory mitigation. The Finley Flats Wetland Preserve is an example where CSKT and the Montana Department of Transportation (MDT) worked together to restore wetlands. CSKT leveraged resources from settlement monies along with funding from MDT and other sources to restore some 200 acres of wetlands, some of which were used as credits to mitigate for impacts of the Highway 93 redesign project that began in the early 2000s and is still occurring today. *Read the full case study [here](#).*

# What's in the Guide: Getting Help

*Feeling alone, underfunded, confused,  
frustrated?*

*No magic potions, but help is  
available.*

- Wetland Program Development Grants  
(<https://www.epa.gov/wetlands/wetland-program-development-grants-and-epa-wetlands-grant-coordinators>)
- Other funding sources
- Tribal collaboration and partnership efforts



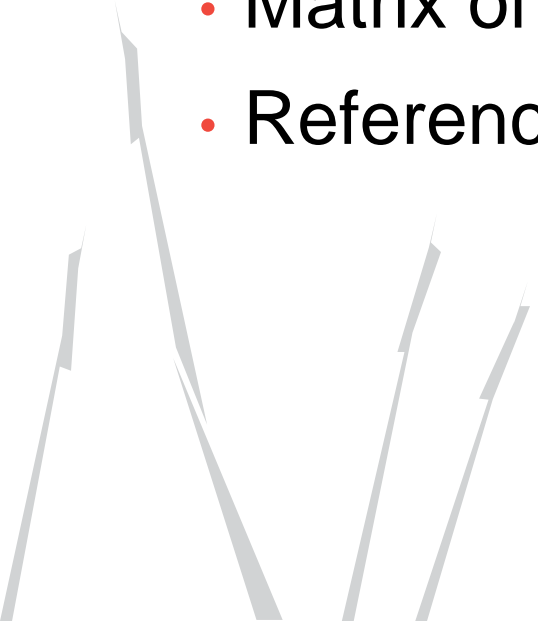
# Wetland Program Development Grants (WPDG)

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- The WPDGs are competitive and fund program development rather than ongoing program implementation. Three different Requests for Applications (RFAs) that tribes or tribal consortia may apply for:
  - A national set-aside competition for tribes and intertribal consortia only (even years)
  - A regional competition for tribes, states, territories, local governments, interstate agencies, and intertribal consortia (odd years)
  - A national competition for nonprofits, NGOs, interstate agencies, universities and colleges, and tribal consortia.
- Tribes are eligible to respond to both regional and national RFAs

# What's In the Guide: Don't Forget the Appendices!



- Roster of Roundtable members
  - Seventeen case study examples with links to additional resources
  - Matrix of potential funding sources
  - References organized by topic to obtain more information
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# What's in the Guide: Case Studies

**Appendix B** includes a range of case studies. Each case study contains:

- A “dashboard” column that lists the topics/categories involved and key facts about the involved tribe such as size, location, EPA region, and more.
- A project description
- Key takeaways
- Links to additional resources

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A spruce bog on the Fond du Lac Reservation.  
Photo courtesy of Rick Gitar.



## CATEGORIES:

Water quality standards for wetlands

**Location:** The Fond du Lac Reservation, which was established in 1854 by treaty with the U.S. government and to which the U.S. government has a trust responsibility, is situated in northeastern Minnesota, adjacent to the city of Cloquet. The reservation is located about 20 miles west of Lake Superior and the city of Duluth.

**Size of Tribal Lands/Reservation Acreage:** 101,000 acres

**Population:** ~4,300 enrolled members

**Size of Wetlands:** The Fond du Lac Reservation contains 4,662 individual wetland entities based on the Cowardin Classification System; wetlands total 43,873 acres and 43.4% of the reservation land area.

**EPA Region:** 5

**Wetland Program Plan (WPP) Status:** WPP developed under a Wetland Program Development Grant for 2019–2023, incorporating four of four core elements, following development of EPA-approved water quality standards (available [here](#)).

**Tribal Website:** <https://www.fdlrez.com/>

**Case Author:** Richard Gitar, Water Regulatory Specialist/Tribal Inspector, Fond du Lac Office of Water Protection

## Fond du Lac Band of Lake Superior Chippewa | Development of Wetland Water Quality Standards

**In preparation for Fond du Lac's triennial review of their water quality standards (WQS), the Wetland Program developed narrative wetland WQS.**

The Wetland Program primarily used EPA's template tool (available [here](#)) to develop the narrative standards. In addition to wetlands becoming a designated use of the WQS, the template aided in preparing language for using wetland functions as wetland designated uses. This was then combined with the standard “free from” language to complete the narrative standards.

### Key Takeaway

It was important to Fond du Lac to include wetlands in their standards because nearly all of the 401 water quality certifications granted on the reservation have involved wetland impacts from U.S. Army Corps of Engineers permits. Creating wetland WQS has allowed Fond du Lac to include these standards as part of the certifications and include conditions specific to the protection of wetland designated uses.

### Additional Resources

Fond du Lac's WQS are available [here](#). Chapter 7, page 34, contains the wetland standards language.

# What's In the Guide: A Funding Matrix

**Appendix C** contains a table detailing different funding programs, including:

- Funding entity
- Any match requirements
- Other useful information

| Program Name   | Funder   | Match?     | Useful to Know   |
|--|----------|------------|--|
| Wetland Program Development Grants                     | U.S. EPA | Yes (25%)* | Contact the EPA Regional Enhancing State and Tribal Programs coordinator for updated information. See <a href="https://www.epa.gov/wetlands/wetland-program-development-grants">https://www.epa.gov/wetlands/wetland-program-development-grants</a> .  |
| CWA Section 319 Funding                                | U.S. EPA | No         | Base grant funding and periodic competitive grants; funds activities related to nonpoint source pollution control; to be eligible, tribes must have TAS status. See <a href="https://www.epa.gov/nps/319-grant-program-states-and-territories">https://www.epa.gov/nps/319-grant-program-states-and-territories</a> .  |
| General Assistance Program                             | U.S. EPA | No         | Funds for planning and establishing environmental protection programs in Indian Country; for capacity building rather than implementation. See <a href="https://www.epa.gov/tribal/indian-environmental-general-assistance-program-gap">https://www.epa.gov/tribal/indian-environmental-general-assistance-program-gap</a> .   |
| Five-Star and Urban Waters Restoration Grant Program   | NFWF     | Yes (1:1)  | Most awards are \$10–\$40K. They can fund restoration projects; five partners are required, including the applicant. The match requirement can be met by in-kind services. See <a href="https://www.nfwf.org/programs/five-star-and-urban-waters-restoration-grant-program">https://www.nfwf.org/programs/five-star-and-urban-waters-restoration-grant-program</a> . |
| CWA State Revolving Fund: Clean Water Indian Set-Aside | U.S. EPA | No         | Low-interest loans provided by states; can be used for wetland restoration or preservation, green infrastructure. See <a href="https://www.epa.gov/cwsrf">https://www.epa.gov/cwsrf</a> .  |
| CWA Section 106 Grants                                 | U.S. EPA | Yes (5%)   | May be used for monitoring and assessment and development of water quality standards, among other things; must have TAS authority. See <a href="https://www.epa.gov/water-pollution-control-section-106-grants">https://www.epa.gov/water-pollution-control-section-106-grants</a> .   |
| Agricultural Conservation Easement Program             | NRCS     | No         | Financial assistance to purchase agricultural land easements that protect the agricultural use and conservation values. See <a href="https://www.nrcs.usda.gov/wps/portal/nrcs/main/national/programs/easements/acep/">https://www.nrcs.usda.gov/wps/portal/nrcs/main/national/programs/easements/acep/</a> .  |
| North American Wetlands Conservation Act Grant Program | USFWS    | Yes        | Funds protection, restoration, and/or enhancement of wetlands and associated upland habitats for the benefit of wetlands-associated migratory birds. See <a href="https://www.fws.gov/service/north-american-wetlands-conservation-act-nawca-grants-us-standard">https://www.fws.gov/service/north-american-wetlands-conservation-act-nawca-grants-us-standard</a> . |

\* For tribal grant applications submitted as part of a Performance Partnership Grant, no match is required. See “Class Exception to the Cost Share Requirements for Tribal and Intertribal Consortia Performance Partnership Grants (PPGs) at 40 CFR 35.536” (<https://www.epa.gov/grants/rain-2022-g01>).

# What's In the Guide: References to Learn More

**Appendix D** contains a collection of additional resources and references, on topics like:

- Core Elements Framework
- WPP development
- Funding
- Mapping, monitoring, assessment

## Core Elements Framework

- EPA, *Core Elements of an Effective State and Tribal Wetlands Program*: <https://www.epa.gov/wetlands/core-elements-effective-state-and-tribal-wetland-programs>

## Wetland Program Plan Development

- Association of State Wetland Managers, *Wetland Program Plans Handbook: A Resource to Assist States and Tribes in Developing Strategic Approaches to Achieve Comprehensive Wetland Programs* (2013): [https://www.nawm.org/pdf\\_lib/wetland\\_program\\_plans\\_handbook.pdf](https://www.nawm.org/pdf_lib/wetland_program_plans_handbook.pdf)
- EPA, *State and Tribal Wetland Program Plans* webpage: <https://www.epa.gov/wetlands/state-and-tribal-wetland-program-plans>
- EPA, *Building State and Tribal Wetland Programs: Core Elements Framework, Wetland Program Development Grants Changes, and Wetland Program Plans* memorandum (2009): <https://www.epa.gov/wetlands/2009-wetland-program-plan-memorandum>

## Funding

- NAWM, *Sustainable Financing* webpage: <https://www.nawm.org/wetland-programs/sustainable-finance/>
- EPA, *Wetland Program Development Grants and EPA Wetlands Grant Coordinators* webpage: <https://www.epa.gov/wetlands/wetland-program-development-grants-and-epa-wetlands-grant-coordinators>
- EPA, *Wetland Grants Database*: <https://ordspub.epa.gov/ords/wgd/f?p=101:50>
- EPA, *Wetland Program Development Grants—Category Definitions* webpage: <https://www.epa.gov/wetlands/wetland-program-development-grants-category-definitions>
- EPA, *Fiscal Year 2020 and Fiscal Year 2021 National Wetland Program Development Grants* request for applications: [https://www.epa.gov/sites/default/files/2020-10/documents/hq\\_fy20-21\\_wpdg\\_rfa\\_-\\_2020\\_october\\_29\\_final.pdf](https://www.epa.gov/sites/default/files/2020-10/documents/hq_fy20-21_wpdg_rfa_-_2020_october_29_final.pdf)
- EPA, *RAIN-2022-GO1: Class Exception to the Cost Share Requirements for Tribal and Intertribal Consortia Performance Partnership Grants (PPGs) at 40 CFR 35.536* memorandum (September 30, 2021): <https://www.epa.gov/grants/rain-2022-g01>
- EPA, *Tribal Grants under Section 106 of the Clean Water Act* webpage: <https://www.epa.gov/water-pollution-control-section-106-grants/tribal-grants-under-section-106-clean-water-act>
- EPA, *Tribal Nonpoint Source Program* webpage: <https://www.epa.gov/nps/tribal-nonpoint-source-program>
- EPA, *Indian Environmental General Assistance Program (GAP)* webpage: <https://www.epa.gov/tribal/indian-environmental-general-assistance-program-gap>
- EPA, *EPA and Other Federal Grants That Include Wetlands Restoration* webpage: <https://www.epa.gov/wetlands/epa-and-other-federal-grants-include-wetlands-restoration>

## Mapping, Monitoring, and Assessment:

- NAWM, *Wetland Mapping Consortium Webinars* webpage: <https://www.nawm.org/index.php>
- Colorado Wetland Information Center, *Ecological Condition Assessment Methods* webpage: <https://cnhp.colostate.edu/>



# Some Ways of Using the Guide



Depends upon particular area(s) of interest, learning objectives, current status of wetland program efforts, and vision for the future. For example:

- **Seeking general knowledge and context:** *Focus on Sections I (Introduction) and II (Getting Started: Some Basics), and skim remaining sections*
- **Looking to develop a tribal wetland program:** *Study the Guide, more or less-start to finish*
- **Wishing to strengthen or augment one or more aspects of an existing WPP/tribal program:** *Focus on Section III (Ingredients for Tribal Programs), topical case studies (Appendix B) and relevant references (Appendix D)*
- **Interested in funding and partnership strategies:** *Focus on Section IV (Getting Help), relevant case studies (Appendix B) and the funding matrix (Appendix C)*

# To Learn More

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- Contact the EPA Enhanced State and Tribal Programs Leads at EPA Headquarters or your EPA Region

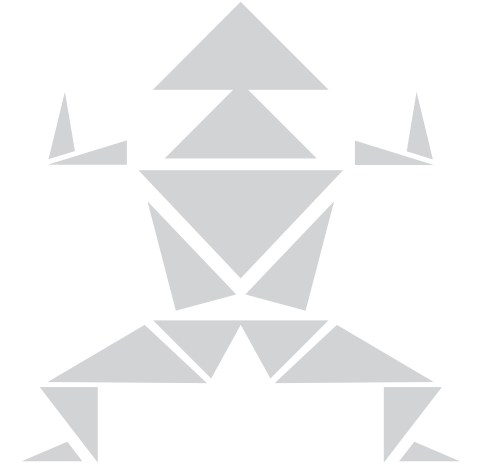
- Go to EPA's website:

<https://www.epa.gov/wetlands/what-enhancing-state-and-tribal-programs-initiative>

<https://www.epa.gov/wetlands/developing-state-or-tribal-wetland-program-plan>



# EPA Points of Contact



## EPA Enhanced State and Tribal Programs (ESTP) and Wetland Program Development Grant (WPDG) Contacts:

EPA HQ : Rebecca Dils, [Dils.rebecca@epa.gov](mailto:Dils.rebecca@epa.gov), ESTP Lead; Myra Price, [price.myra@epa.gov](mailto:price.myra@epa.gov), WPDG Lead

### Regional Staff:

- EPA Region 1 – Beth Alafat, [alafat.beth@epa.gov](mailto:alafat.beth@epa.gov), Danielle Algazi, [Algazi.Danielle@epa.gov](mailto:Algazi.Danielle@epa.gov)
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For other contacts and information see: <https://www.epa.gov/wetlands/wetland-program-development-grants-and-epa-wetlands-grant-coordinators>



# Thank you

## **Presenters:**

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