

## Tracking Federal Policy Developments Affecting Wetlands and Other Aquatic Resources

**National Association of Wetland Managers, April 28, 2026**

Topic	Current Status	Next Likely Action	Links
<b>Agency Policymaking</b>			
Waters of the US (WOTUS)	Due to litigation, currently 26 states are covered by pre-2015 definition of WOTUS as affected by <i>Sackett</i> , other 24 covered by revised 2023 Biden definition. On 11/17/25, EPA and Army Corps proposed revised definition that would substantially narrow scope of protected waters. The comment period closed 1/5/26.	EPA is revising the proposed WOTUS definition in light of comments. The next step is to send the draft final rule to OMB for interagency review, a required procedural step prior to publishing final rule. Likely will be lawsuits challenging final rule. Recent comments by Corps leadership indicating Corps is "getting out of the business of regulating wetlands" was later explained as not a new policy announcement but perspective reflecting U.S. Supreme Court decision in <i>Sackett</i> .	90 Fed.Reg. 52498 (November 20, 2025); <a href="https://www.govinfo.gov/content/pkg/FR-2025-11-20/pdf/2025-20402.pdf">https://www.govinfo.gov/content/pkg/FR-2025-11-20/pdf/2025-20402.pdf</a>
CWA Section 401 Water Quality Certification	The 2023 CWA 401 Certification Rule is in effect. On 1/15/26 EPA proposed revised regulations that would substantially narrow scope of 401 analyses, and limit certifying authority's ability to get additional information from applicants, among other changes. The comment period closed 2/17/26.	EPA is revising proposal to create final rule, in light of comments received. Next step is to send draft final rule to OMB for interagency review, a procedural requirement prior to publishing final rule. Likely will be lawsuits challenging final rule.	91 Fed.Reg. 2008 (January 15, 2026); <a href="https://www.govinfo.gov/content/pkg/FR-2026-01-15/pdf/2026-00754.pdf">https://www.govinfo.gov/content/pkg/FR-2026-01-15/pdf/2026-00754.pdf</a>
Tribal Reserved Rights	EPA has initiated tribal consultation on its upcoming proposal to rescind its 2024 "Water Quality Standards Regulatory Revisions to Protect Tribal Reserved Rights." The regulations require states to consider off-reservation tribal hunting, fishing, and gathering rights when setting water quality standards.	After completing tribal consultation, EPA will send a draft proposed rule to OMB for interagency review that proposes to rescind existing regulations on protecting tribal reserved rights. Strong tribal opposition to such rescission suggests any final rule would be subject to litigation.	89 Fed.Reg. 35717 (May 2, 2024)

"Building Infrastructure, Not Paperwork" (BINP)	Army Civil Works announced BINP initiative on 2/23/26, to accelerate permitting and project delivery, reduce red tape, and lower costs.	Corps districts are implementing BINP to modernize permitting process. Several states are talking with their Corps counterparts about potential impacts of BINP on permit application processes, NEPA analyses, NWP implementation, and intergovernmental collaboration generally.	<a href="#">Assistant Secretary of the Army for Civil Works announces 'Building Infrastructure, Not Paperwork' initiative for the Army's Civil Works program</a>
Nationwide Permits (NWPs) and Program Revisions.	The Corps published final NWPs on 1/8/26, in effect 3/15/26. On 3/26/26, Corps published solicitation for recommendations for increasing efficiency of NWP program.	Comment period on NWP program closes 5/15/26. Corps expects to do public notice-and comment for any future regulatory changes. Guidance and technical directives to field might not be subject to comment. NAWM webinar on new NWP package and solicitation scheduled for May 7, 3-4pmET.	<a href="#">2026-00121.pdf</a> <a href="https://www.govinfo.gov/content/pkg/FR-2026-03-16/pdf/2026-05051.pdf">https://www.govinfo.gov/content/pkg/FR-2026-03-16/pdf/2026-05051.pdf</a>
National Environmental Policy Act (NEPA) Requirements	On January 8, 2026, CEQ published a final rule rescinding its regulations related to NEPA implementation. Each agency now is responsible for developing their own regulations for complying with NEPA and its project review process requirements. EPA sent its draft proposed NEPA regulations to OMB for interagency review on January 12, 2026.	OMB will complete review of EPA's draft proposed regulations, after which the proposal will be published in the Federal Register for public comment.	<a href="https://www.epa.gov/nepa">https://www.epa.gov/nepa</a>

<b>White House Policymaking</b>			
Affordable Housing Executive Order 14394	E.O. signed on March 13, 2026, directs federal agencies to reduce regulations, streamline permitting, and ease environmental restrictions to boost the housing supply. For example, the E.O. directs Corps and EPA to revise permitting standards and processing for section 404, and CEQ to issue categorical exclusions under NEPA to "maximally exempt or reduce" burdens on housing construction.	Corps and EPA will identify revisions to 404 permitting and processing that would lessen burden on housing construction.	<a href="#">Federal Register :: Removing Regulatory Barriers to Affordable Home Construction</a>

OMB Memo M-25-36, "Streamlining the Review of Deregulatory Actions."	On October 21, 2025, OMB released a memo on streamlining deregulatory processes. Among other things, the memo authorized agencies to not do federalism or Tribal consultations before removing regulations deemed facially unlawful, and noted the APA's "good cause exemption" will frequently allow deregulatory rulemaking to go final without any public notice and comment. Establishes a 28-day maximum OMB review for deregulatory actions (down from a typical target of 90 days for general OMB review).	OMB Memo M-25-36 is in effect, although how its scope is interpreted remains somewhat unclear.	<a href="#">Streamlining the Review of Deregulatory Actions</a>
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Legislation			
Appropriations	On 4/3/26, President's budget request for FY 2027 sent to Congress. Requested budget for EPA is \$4.2 billion, a 52% reduction from previous year. Requests zero funding for most categorical grants, including WPDGs.	House and Senate Appropriations Committees will hold hearings on FY2027 spending, and draft bills for legislative action. Last year's President's Budget Request similarly zeroed funding for categorical grants, and Congress nonetheless enacted levels roughly equivalent to previous year.	<a href="https://www.epa.gov/system/files/documents/2026-04/00_fy-2027-bib_combined_final.pdf">https://www.epa.gov/system/files/documents/2026-04/00_fy-2027-bib_combined_final.pdf</a>
H.R. 3898, "PERMIT Act"	Legislation includes a variety of "targeted reforms" for the definition of WOTUS, section 401 certification, water quality standards, and other water policy areas that have been controversial. H.R. 3898 would reduce scope of 401 certification analyses and change NDPES permit life from 5 to 10 years, among other changes. H.R. 3898 passed the House on 12/11/25. Senate has not acted on the bill despite calls to reach a permitting deal. On 4/24/26 webinar held by AEI, Brittany Kelm of the White HOuse's National Energy Dominance Council senior advisor said changes to CWA section 401 were critical for White House support of permitting legislation.	Senate may take up H.R. 3898 , develop its own permitting bill, or take no near-term action.	<a href="#">Text - H.R.3898 - 119th Congress (2025-2026): PERMIT Act   Congress.gov   Library of Congress</a>

H.R. 4776, "SPEED Act"	Legislation amends NEPA to "facilitate a more efficient, effective, and timely environmental review process" by making changes to the procedures for complying with NEPA and reforming judicial review of NEPA decisions. H.R. 4776 passed the House on December 11, 2025. The Senate has not acted on the bill.	Senate may take up H.R. 4776, develop its own permitting bill, or take no near-term action.	<a href="#">H.R.4776 - 119th Congress (2025-2026): SPEED Act   Congress.gov   Library of Congress</a>
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