

Non-Tidal Wetland Funding in the Chesapeake Bay Watershed

By: Shakira S. Rivera Arellano and Nicoletta DellaRatta

Since the *Sackett v. EPA* Supreme Court decision in 2023, federal protections covering non-tidal wetlands have greatly decreased nationwide, including in Delaware. To identify programs that fund nontidal wetland protections in the Chesapeake Bay watershed, The Nature Conservancy enlisted the help of the Environmental and Natural Resources Law Clinic. Basing their work on the non-tidal wetland regulatory program comparative analysis created by Rebecca Carroll, student attorneys Shakira S. Rivera Arellano and Nicoletta DellaRatta researched potential funding sources, as well as existing programs that may restore, protect, and/or preserve non-tidal wetlands currently left unprotected.

Student attorney Shakira S. Rivera Arellano focused primarily on researching funding programs in Virginia, Delaware, and Pennsylvania. She co-drafted a comparative analysis based on her findings. Ms. Rivera Arellano also attended a subcommittee and State Senate hearing for SB 9, taking note of the comments made by people in all sectors that are affected by this bill, including animal rights activists and agricultural associations alike. According to Ms. Rivera Arellano, “The Clinic has been an eye-opening experience. Being able to contribute to a real-time policy initiative, and possibly changing the law for the better, is an opportunity I will not soon forget.”

Student attorney, Nicoletta DellaRatta, also attended a subcommittee and State Senate hearing for a SB 9 protection bill, where she recognized the depth of passion surrounding the issue of non-tidal wetlands and the significant impact this legislation may have on many communities. In addition to observing the legislative process of this bill, Ms. DellaRatta researched potential funding programs for non-tidal wetlands across Maryland, Delaware, and Pennsylvania. Her work focused on identifying and analyzing available financial resources that support wetlands protection and environmental initiatives within these states. According to Ms. DellaRatta, “The opportunity to work on issues that are so prevalent and important to our community, such as non-tidal wetlands, is both meaningful and rewarding. Contributing to research that may help shape policy and protect vital natural resources has been an invaluable experience.”

This vital research, available on the Clinic’s webpage, is focused on states within the Chesapeake Bay watershed, many of which contain significant areas of non-tidal wetlands that are no longer protected

under federal law. The research within the watershed aids states in recognizing protection approaches in neighboring states and includes comparative models in states outside the watershed, such as Ohio, Massachusetts, and Minnesota.