

CLEAN WATER ACT SECTION 303(d) PROGRAM VISION
PROTECTION GOAL FREQUENTLY ASKED QUESTIONS (FAQs)

Updated January 2025

These FAQs were developed by the EPA Clean Water Act Section 303(d) program staff to help clarify key concepts underlying the CWA Section 303(d) Vision’s protection goal for states, territories and tribes.¹ These FAQs are consistent with the [2022 Vision](#), which noted that:

“The Clean Water Act Section 303(d) program strives to strategically plan and prioritize activities, engage partners, and analyze and utilize data to develop water quality assessments, plans and implementation approaches to restore and protect the Nation’s aquatic resources.”

The [2022 - 2032 Vision for the CWA Section 303\(d\) Program](#) builds on the experience gained from implementing the 2013 Vision outlined in *A New Long-Term Vision for Assessment, Restoration, and Protection under the CWA Section 303(d) Program* as the EPA, states, territories, authorized Tribes, local governments and residents chart a path to promote continued improvements in water quality.² Like the 2013 Vision (which also included a protection goal), the 2022 Vision encourages flexible and innovative approaches for states, territories and authorized Tribes³ (“states, territories and Tribes”) to implement CWA Section 303(d), including by identifying ways to best use limited resources for restoration and protection, leverage partnerships and develop solutions to emerging and difficult waters quality issues.

The EPA developed the 2022 Vision collaboratively with states, territories and Tribes. The EPA also worked with states to develop a performance metric (i.e., “Vision Metric”) associated with the 2022 Vision.

One of the 303(d) Vision’s five goals specifically addresses Protection, as follows:

“In addition to recognizing the protection benefits that TMDLs and other restoration plans can provide, states, territories, and Tribes may develop protection plans to prevent impairments and improve water quality, as part of a holistic watershed approach.”

The Vision noted that the “intent of the Protection Goal is to encourage a proactive and holistic consideration of management actions to protect healthy waters.”⁴ Protection of waters to maintain their uses is a specific objective of the CWA – “restore and maintain the chemical, physical, and biological integrity of the Nation’s waters” (CWA Section 101). Also, protection and restoration are interdependent goals regarding the “integrity of the Nation’s waters.” For example, protection of healthy headwaters and

¹ These FAQs are subject to modification after further conversations with states, territories and Tribes.

² [2013 CWA 303\(d\) Vision](#)

³ Several federal environmental laws authorize the EPA to treat eligible federally recognized Tribes in a similar manner as a state (TAS) for implementing and managing certain environmental programs. Learn more [here](#). This document will discuss tribes both as potential entities to be authorized to implement CWA Section 303(d), through TAS, and Tribes that do not yet have TAS. When referring to entities that may implement CWA Section 303(d) this document uses “states, territories, and Tribes.”

⁴ For a specific waterbody, protection as described in this Vision is the sustained minimization or avoidance of water quality degradation due to stressors and/or watershed alterations that would present threats to its current condition. Under the Vision, protection is oriented toward healthy waters, including, but not limited to, those of high quality, simply unimpaired, or with limited impairments (to uses other than those for which protection is being sought). See footnote 10 of the 2022 Vision, as well as the [EPA’s website for details](#).

wetlands can help prevent and minimize downstream impairments, thereby reducing the need for restoration, which can be challenging and costly. In addition, restoration of impaired waters can reduce risks to nearby protected, healthy waters (e.g., stabilizing streambanks to prevent erosion into downstream healthy waters). Including protection in and alongside restoration planning and implementation contributes to a holistic watershed approach that uses resources efficiently.

1. Who is the intended audience for these protection FAQs?

The surface water quality programs in states, territories and Tribes are the primary audience for this protection information. These FAQs were developed by CWA Section 303(d) impaired waters listing and TMDLs program staff to clarify key concepts underlying the 303(d) Vision's protection goal. The integrative nature of the 303(d) Vision promotes cross-program partnering with, for example, CWA Section 319 Nonpoint Source Management programs, Source Water Protection programs and others. State and federal fish and wildlife agencies are often active in protecting aquatic resources and are another key audience.

These federal, state, territorial and Tribal water programs are the EPA's partners in implementing the CWA and share responsibility for restoring and maintaining waters, including healthy waters potentially targeted for protection efforts.

2. What is meant by "protection" in the context of the Vision?

The CWA's primary objective reads, "...to restore and maintain the chemical, physical and biological integrity of the Nation's waters." "Protection," in the context of the CWA, is action taken to maintain the integrity of the Nation's waters, to retain their environmental and societal benefits. For a specific waterbody, protection under the Vision is *the sustained minimization or avoidance of water quality degradation due to stressors and/or watershed alterations that would present threats to its current condition*.⁵ Under the Vision, protection is oriented toward currently healthy waters,⁶ including, but not limited to, those of high quality, simply unimpaired or with limited impairments (to uses other than those for which protection is being sought).

3. What kinds of waters or watersheds are the focus of protection efforts?

Protection focuses on surface waters (inland or coastal) that are healthy, with interacting land, water and biological components that are largely functional and intact, although not necessarily pristine. A waterbody with reported impairments for certain pollutants may still be a suitable candidate for protection if the other attributes/parameters of the waterbody are largely functional and intact. For example, a remote waterway with its only impairment from airborne mercury may be in otherwise good

⁵ See footnote 10 of the 2022 Vision. State, territorial, and Tribal water quality programs may also look to the [Nonpoint Source Program and Grants Guidelines](#) to lead this work. The current guidance, released in 2024, places a renewed emphasis on actions to protect healthy waters, including, for example, unimpaired waters, at-risk waters, outstanding national resources waters or other specific category of high-quality waters, healthy aquatic resources, and source water (including groundwater) high quality, unimpaired, outstanding national resource waters, and at-risk waters that are degrading and not yet impaired.

⁶ The term "healthy waters" aims to represent the types of waters states, territories and Tribes may prioritize for protection. These are waterbodies that have been assessed as unimpaired or otherwise demonstrated to be largely functional and intact, such as those with minimal water quality impairments (to uses other than those for which protection is being sought). Healthy waters could also include at-risk waters not yet impaired but where data trends may show signs of water quality degradation.

condition and have high quality attributes (e.g., diverse biotic communities, aesthetics, recreational use support) worth protecting. Waters selected for protection may be extensive (e.g., entire river systems) or localized (e.g., healthy segments or tributaries in a mixed-quality watershed). *Protection* under the Vision refers to activities taken in the surrounding watershed of healthy waters that directly contribute to the maintenance of their condition. Successful protection efforts are rarely limited to activities exclusively within the waterbody with no watershed activities.

4. Why is the Vision promoting protection?

The EPA's 303(d) Vision promotes protection of healthy waters and their watersheds for numerous reasons. As stated above, protection is consistent with the central tenet of the CWA – its *restore and maintain* goal – complementing the CWA's historically greater emphasis on restoring waters that are impaired (i.e., not attaining Water Quality Standards). Many state water quality programs are protecting healthy waters or have an interest in doing so. Furthermore, protection can be a critical component of successful restoration, particularly where upstream protection improves impaired waters downstream by providing cleaner upstream waters. Protected healthy waters also convey multiple highly valued benefits to the American people and environment. Equally as important, it is often more cost effective to protect waterways from degradation than it is to pay for restoration once damage is done.⁷

5. What does the 303(d) Vision mean by *priority waters or watersheds* for protection?

Under the 2022 Vision's *Planning and Prioritization Goal*, "States, territories, and tribes develop a holistic strategy for implementation of Vision Goals, systematically prioritize waters or watersheds for TMDL and other plan development (restoration and/or protection), and report on the progress towards development of plans for priority waters."⁸

Waters may be selected as priorities individually or because they are a recognized type of priority waterbody. A state may prioritize a waterbody for protection to build its resilience against its primary threats and maintain its beneficial, healthy conditions. Examples of priority waters targeted for protection might include:

- Tier 2 high quality waters or Outstanding National Resource Waters.⁹
- Waters with unique, valuable, or threatened species or their habitats.
- Waters and watersheds that constitute a public drinking water supply or source water protection area.
- Watersheds currently supporting healthy aquatic ecosystems, as identified in assessments of watershed function and structure (e.g., the [EPA's Healthy Watersheds Assessment](#)).
- Healthy segments in watersheds mixed with impaired segments, including headwaters above

⁷ The EPA's Benefits of Healthy Watersheds [website](#).

⁸ For information on the distinction between the priority ranking required in a 303(d) list submission and Vision long-term priorities (including the states' prioritization frameworks and the EPA's Vision metric), see the [2024 IR memo at 6-7](#) (see also the [2016 IR Memo at 3](#)).

⁹ Note that the EPA's regulations at 40 C.F.R. 131.12 require states, territories and Tribes to adopt an antidegradation policy that must, at a minimum, provide three tiers of protection for their waters, identified at 40 C.F.R. 131.12(a)(1), 40 C.F.R. 131.12(a)(2) and 40 C.F.R. 131.12(a)(3). Tier 2 provides the maintenance and protection of "high quality" waters, which are waters that exceed levels necessary to support the protection and propagation of fish, shellfish, and wildlife and recreation in and on the water (i.e., CWA Section 101(a)(2) uses). Tier 3 provides for the maintenance and protection of waters that constitute an outstanding National resource. Please see EPA's [Online WQS Handbook for additional information on the Antidegradation tiers and additional relevant guidance](#).

- downstream waters that are impaired.
- Waters near geographic areas where rapid land use development is occurring.
- At-risk waters that are not yet impaired but showing signs of degradation.
- Other healthy waters facing elevated risks of degradation.

State, territorial and Tribal water quality programs are encouraged to coordinate program protection activities¹⁰ in the context of their broader water quality objectives and identify corresponding waters for protection plan development (priorities) that align with those objectives.

6. What are protection approaches or protection plans for the purposes of the Vision Metric?

A *protection approach* constitutes a strategic set of steps followed by a water quality program and its partners, intended to provide a basis for protecting healthy waters including the waterbodies' associated ecosystem structure, functions and underlying uses and the implementation of protection activities. Activities that could be considered for protection include but are not limited to, forest preservation, riparian buffer ordinances, runoff control structures, or land acquisition. Protection approaches may be comprehensive or focused on individually targeted areas and are encouraged to be part of a state, territory or Tribe's overall healthy watersheds strategy.¹¹

A *protection plan* for the purposes of the Vision Metric¹² is documentation of steps to be taken and activities to be implemented that are reasonably expected to result in a specified level of protection of one or more Vision Metric priorities over a specified amount of time. Some types of CWA-related plans, such as protection TMDLs¹³ and watershed plans (e.g., 9-element plans or EPA-accepted alternative watershed plans) developed under CWA Section 319, may be considered protection plans under this 303(d) Vision Metric if they include elements pertinent to the 303(d) Vision's protection goal.¹⁴ The EPA will consider the

¹⁰ There are a wide variety of land or water management practices, policies or other actions, that contribute directly or indirectly to minimizing or avoiding degradation in healthy waters and would be considered "protection activities" under the Vision. Some examples of protection activities may include regulatory requirements (e.g., permits, local buffer ordinances); non-regulatory voluntary actions (e.g., landowner agreements and easements, land acquisition); and active (e.g., runoff control structures) and passive (e.g., local zoning, forest preservation) management practices. Such activities may have direct or indirect effects on maintaining the environmental and societal benefits of protected waters. State water quality programs are encouraged to coordinate their protection activities, regardless of activity type, with other programs and partners.

¹¹ See footnote 11. Learn more about identifying areas that may be appropriate for protection activities by checking out the results of the [EPA's Healthy Watersheds Assessment](#).

¹² See footnote 16. The Vision Metric measures the extent of CWA Section 303(d) Vision Metric priorities identified by each state, territory and Tribe that are covered by, or are in the process of being covered by, EPA-approved TMDLs or accepted other restoration plans for impaired waters or accepted protection approaches to prevent impairments and maintain water quality from Fiscal Years 2025 through 2032.

¹³ While the EPA is only required to approve or disapprove TMDLs for water-quality limited segments, some states, territories and Tribes may elect to develop TMDLs that incorporate all assessment units in a watershed whether an AU has been listed as impaired on the 303(d) list or not. To the extent they cover waters not listed as impaired, these plans are considered "protection TMDLs" and are expected to support plan implementation. Details for entering a Protection Action in ATTAINS can be found [here](#).

¹⁴ Example elements may include identification of specific waters to be protected and risks to their condition; activities proposed and/or implemented that are expected to resist degradation or impairment of these waters, or improve water quality (e.g. quantification of loading or assimilative capacity); timeframes over which a protection target condition is expected to be attained, maintained, or improved; quantitative and qualitative measures of expected success and planned responses to observed changes in risks or condition; and monitoring to evaluate water

adequacy of the description of the protection approach and/or plan in determining whether to accept such an approach and plan for recognition under the Vision Metric.¹⁵

7. When is a waterbody considered *protected*?

Protection efforts should work toward an endpoint that embodies a definable “protected” status over the long term (e.g., years to decades). To reiterate from FAQ #2, “... protection is the sustained minimization or avoidance of water quality degradation in a waterbody due to stressors and/or watershed alterations that would present threats to its condition.” High quality waters or unimpaired condition alone, without actions intended to maintain or improve this condition, may be “healthy” but not “protected.” When asserting that a waterbody is protected, one should address:

- The specific protection activities in place that are expected to maintain its environmental and societal benefits, including attainment of designated uses.
- Significant risks of degradation and whether these are all addressed by protection activities.
- A plausible estimate of the expected duration of the protection activities and their impacts.

8. How can protection success be evaluated?

The effectiveness of a waterbody protection effort is the degree to which it avoids/minimizes water quality degradation or improves water quality over time. Protection success may be estimated using condition-related measurements that may address the expected duration of protection, the anticipated protective effect and the breadth of protection (e.g., against all or just some of the known threats). Evaluating effectiveness is waterbody-specific because protection success can vary in different places and among different activities, and the same activity may vary in effectiveness from place to place.¹⁶

Note that in 2024, the EPA’s national nonpoint source program launched a new [NPS success story type](#) to highlight protection successes achieved by state NPS programs and their partners:

Healthy Waters Protected from Water Quality Impairment

These stories (also known as Type 4) feature NPS activities that have resulted in the sustained prevention of water quality degradation in healthy waters threatened by NPS pollution, including pollutant stressors and/or watershed alterations. Through these stories, the EPA seeks to highlight NPS activities that were strategically targeted to achieve water quality protection goals.

quality conditions and plan implementation success over time. The EPA intends to refine programmatic resources to support states, territories and Tribes in their work on watershed protection approaches, including suggestions regarding protection planning elements, in FY2025.

¹⁵ The EPA anticipates that the protection approaches and plans submitted to ATTAINS will complement protection projects completed under other EPA programs, such as those funded under CWA Section 319. See [the Vision Metric Computational Guidance](#) to learn more about tracking commitments and credit under this measure.

¹⁶ A 2022 [national NPS program draft report](#) provides a preliminary overview of approaches to protecting healthy waters.