

Note: This editorial amendment will relocate the following existing section on wetlands implementation from Chapter 2 – Beneficial Uses to Chapter 4 – Implementation Plans of the Water Quality Control Plan for the North Coast Region (May 2011). This section will be located after the “Action Plan for Control of Discharge of Herbicide Waste from Silvicultural Applications” (page 4-33.00 of the May 2011 version). All revisions are editorial (non-substantive) in nature. This is the “strikethrough/underline” version of the amendment, deletions are indicated in strikethrough and additions are indicated by underlining.

4. IMPLEMENTATION PLANS

Wetlands Implementation Program

Wetlands are waters of the state and are protected under state regulations by provisions of the California Water Code. The State of California and the federal government adopted separate wetland policies in August 1993 to protect these valuable waters. These policies represented a significant advance in wetland protection. The policies that were developed represent agreements that are sensitive to the needs of landowners and provide flexibility in the permit process. Both policies support the interim goal of no overall net loss and the long-term goal of increasing the quality and quantity of the remaining wetlands.

Wetland Identification, Delineation and Regulation

Regulating development to minimize its effects on existing wetlands is a primary function of several agencies in California. The Regional Water Board's role in this process is the protection of water quality and the beneficial uses of waters. There are many issues pertinent to wetland regulatory decisions that demonstrate the complexity and controversy that surround regulation and protection of this resource. These include defining what a wetland is, determining its allowable uses, and in some cases determining the appropriate compensatory mitigation, all of which are challenging issues.

The Coastal Act provides strong enforceable policies for protection of wetlands within California's coastal zone. These policies are described in the *Procedural Guidance for the Review of Wetland Projects in California's Coastal Zone* (California Coastal Commission, 1994) and the *Procedural Guidance for Evaluating Wetland Mitigation Projects in the California Coastal Zone* (California Coastal Commission, 1995). These documents also outline wetland identification and delineation processes, the permit and environmental review processes, project performance standards, monitoring programs, and the mitigation process, among others.

In this Region, the Regional Water Board, in general, relies on the federal *Wetlands Delineation Manual* (U.S. Army Corps of Engineers, 1987) for determining wetland areas subject to the federal Clean Water Act. In the rare cases where the USEPA and U.S. Army Corps guidelines disagree, the Regional Water Board relies on the wetlands delineation made by USEPA. Where the SWANCC decision leads to a federal determination that a specific wetland is not “jurisdictional” for federal purposes, the Regional Water Board will exercise its independent judgment in determining both the size and functions of the water at issue, and the necessary requirements to protect water quality as required by Porter-Cologne.

Regional Water Board staff will prepare and implement a plan to identify and delineate wetlands within the Region to be implemented when funding becomes available. However, because of the large number of small and contiguous wetlands, it may not be practical to delineate and specify beneficial uses for every wetland area. Therefore, wetlands and their beneficial uses may continue to be determined on a site-specific basis, as necessary.

Constructed Treatment Wetlands

Constructed wetlands are, in most cases, designed, built and managed to provide wastewater or storm water treatment in order to achieve protection or improvement in receiving water quality. These types of wetlands are not constructed to provide mitigation for projects that impact jurisdictional wetlands. These constructed treatment wetlands can also have other benefits including the support of waterfowl and other wildlife, as well as opportunities for education and recreation.

The Regional Water Board's approach toward regulation of the use of these constructed wetlands is to encourage protection of these affiliated uses while appropriate treatment uses are supported.