



Wetlands Protection



Wetlands provide habitat for wildlife, recreational opportunities, flood protection, and improve water quality by filtering sediment. Wetlands also provide a home for many special status aquatic and terrestrial species protected by the Federal and California Clean Water and Endangered Species Acts.



Additional Resources

Cal OES Factsheets

- [Endangered Species Act](#)
- [Environmental Justice](#)
- [Historic Properties](#)
- [Stream Erosion](#)

Websites:

Cal OES

<https://www.caloes.ca.gov/>

FEMA

www.fema.gov

USACE:

Los Angeles District

www.spl.usace.army.mil

Sacramento District

www.spk.usace.army.mil

San Francisco District

www.spn.usace.army.mil



Water Resources Control Board

www.waterboards.ca.gov/waterboards_map.html

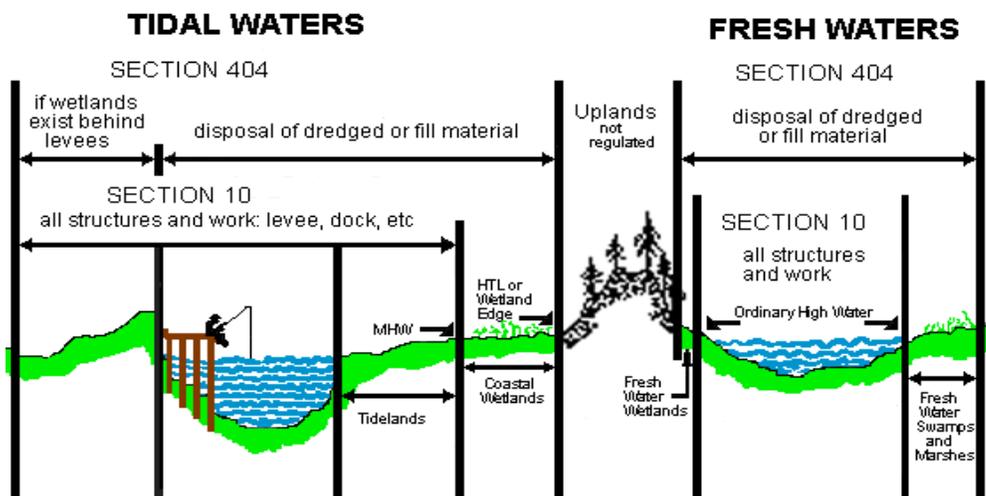


How to Identify Wetlands

Wetland indicators are vegetation, soils, and hydrology. A professional wetland scientist may need to determine if these indicators are present and the extent of the wetland. There are recognizable wetland characteristics and are noted below:

- ➔ The area occurs in a floodplain, has low spots in which water stands, or, is above the soil surface during the growing season.
- ➔ The area has plant communities that occur in standing water for part of the growing season (e.g., cattails, bulrush and tules).
- ➔ The area has soils that are referred to as either peats or mucks.
- ➔ The area is periodically flooded by tides, even if only by strong, wind-driven, or spring tides.

If you notice any of these, contact the local U.S. Army Corps of Engineers (USACE) office and/or the State Water Resources Control Board (SWRCB) for information and permit requirements.



U.S. Army Corps of Engineers Jurisdictions

Wetlands Protection

The following laws apply to projects affecting wetlands:

Federal Clean Water Act (CWA) – Section 404

The USACE is responsible for issuing permits for discharge of dredged or fill materials into the Waters of the United States (WOTUS) which include wetlands. Section 404 permits are required for actions affecting more than 1/3 of an acre of wetland.

Clean Water Act – Section 401 Certification

Section 401 Certification (or waiver) is required for any discharge regulated under Section 404 and is issued by the SWRCB Regional Water Quality Control Boards (RWQCB).

Rivers and Harbors Act- Section 10

Section 10 requires an USACE permit for construction of structures in, under, or over navigable waters and for work affecting the course, location, condition, or capacity of navigable waters.

Executive Order 11990 Wetland Protection

Executive Order 11990 requires Federal agencies and responsible entities to avoid an undertaking or providing financial assistance for new construction located within wetlands, unless there is no practicable alternative to such construction.

Porter-Cologne Water Quality Control Act

The “California Clean Water Act which has more stringent requirements than the CWA. Defines wetlands in relation WOTUS and Waters of the State (WOTS) [California Water Code Section 7].



REMEMBER!

- The USACE has primary responsibility for federal permit actions in wetlands.
- The SWRCB and RWQCBs are responsible for administering the CWA Section 401 and Porter-Cologne Water Quality Control Act for projects in state waters and wetlands.
- Wetland regulation violations can result in prosecution and the de-obligation of federal and/or state funds.



QUESTIONS? CONTACT:

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