



Wetlands Protection



Wetlands are Important

Wetlands provide habitat for wildlife, recreational opportunities, flood protection, and improve water quality by filtering sediment from the water. Wetlands provide a home for many rare and unique plant and animal species.



How to Identify Wetlands

Key indicators of wetlands are wetland vegetation, wetland soils, and wetland hydrology. Typical wetlands include rivers, streams, lakes, swamps, bogs, fens, vernal pools, marshes, and tidal areas, and even agricultural canals. Sometimes wetlands can be difficult to identify and can only be identified by a professional. However, there are some general situations in which an area has a strong probability of being a wetland. If any of the following situations occur, you should contact the local office of the Army Corps of Engineers (USACE) for further information:

- The area occurs in a floodplain or otherwise has low spots in which water stands at or above the soil surface during the growing season. **Caution: Most wetlands lack both standing water and waterlogged soils during at least part of the growing season.**
- The area has plant communities that commonly occur in areas having standing water for part of the growing season (e.g., riparian areas, cattail marshes, bulrush and tule marshes, and fens).
- The area has soils that are called peats or mucks.
- The area is periodically flooded by tides, even if only by strong, wind-driven, or springtides.



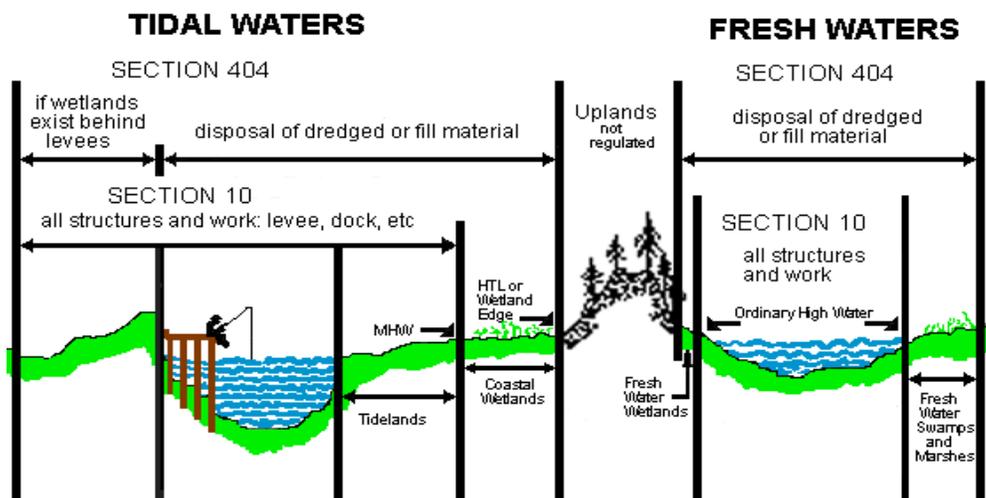
Additional Resources

- CalOES Factsheets
- Endangered Species Act
- Environmental Justice
- Environmental Rules
- Historic Properties
- Stream Erosion

Websites

- Cal OES
www.caloes.ca.gov
- FEMA
www.fema.gov
- USACE:
 - Los Angeles District
www.spl.usace.mil
 - Sacramento District
www.spk.usace.mil
 - San Francisco District
www.spn.usace.mil
- Water Resources Control Board
www.swrcb.ca.gov/regions.html

Army Corps Permit Jurisdiction



ARMY CORPS OF ENGINEERS REGIONAL DISTRICTS IN CALIFORNIA

California Map of U.S. Army Corps of Engineers Regulatory Boundaries



Prepared by the San Francisco District, 102000

The following laws apply to projects affecting wetlands:

Clean Water Act – Section 404

The USACE is responsible for issuing permits for discharge of dredged or fill materials into the waters of the United States. Wetlands are considered to be waters of the United States. Section 404 permits are required for actions affecting more than 1/3 of an acre of wetland. Permits can be general for minimal projects (issued on nationwide, regional, or local basis) or individual permits for projects with potentially significant impacts.

Clean Water Act – State 401 Certification

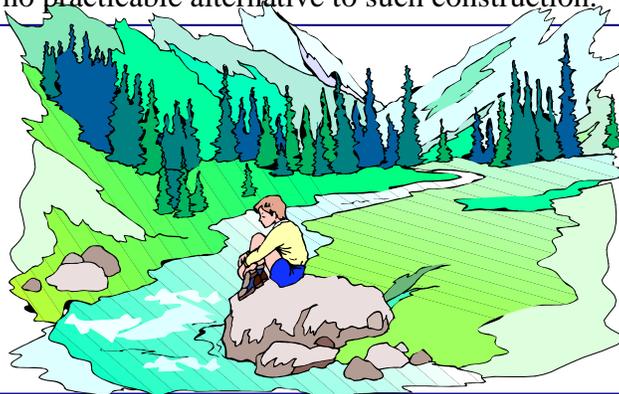
Section 401 Certification (or waiver) is required for any discharge regulated under Section 404. Section 401 Certification is issued by the Regional Water Quality Control Boards in California.

Rivers and Harbors Act- Section 10

Section 10 requires a permit from the USACE for the construction of structures in, under, or over navigable waters and for all work affecting the course, location, condition, or capacity of navigable waters (e.g. piers, boat dock, boat ramps, wharfs, dolphins, weirs, booms, breakwaters, bulkheads, and jetties.)

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 a finding is made that there is no practicable alternative to such construction.



Regulations: *Section 404 and 401 of the Clean Water Act of 1977, as amended (33 USC 1251 – 1376)*
Section 10 of the Rivers and Harbors Act (33 USC 401-413)
Executive Order 11990 Protection of Wetlands



Danger! REMEMBER!

- The USACE has primary responsibility for permitting actions in wetlands. Always contact the USACE when considering a project that may impact wetlands. Since the USACE can impose regional and local conditions, contact the appropriate district for your area.
- Violations of wetland regulations can result in individual prosecution and in the deobligation of federal/state funds.
- Applicants for Cal OES grant funds are responsible for obtaining wetland permits.



QUESTIONS?

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