

CALIFORNIA

Wetland Definition

The U.S. Army Corps of Engineers definition of wetland is used in most California basin planning and regulation and for 401 water quality certification. The California Coastal Commission uses its own more specific definition for coastal wetlands:

“Land where the water table is at, near, or above the land surface long enough to promote the formation of hydric soils or to support the growth of hydrophytes, and shall also include types of wetlands where vegetation is lacking and soil is poorly developed or absent as a result of frequent drastic fluctuations of surface water levels, wave action, water flow, turbidity or high concentration of salts or other substances in the substrate. Such wetlands can be recognized by the presence of surface water or saturated substrate at some time during each year and their location within, or adjacent to vegetated wetland or deepwater habitats.”

The Keene-Nejedly California Wetlands Preservation Act defines wetlands similarly:

“Lands which may be covered periodically or permanently with shallow water and which include saltwater marshes, freshwater marshes, open or closed brackish water marshes, swamps, mudflats, fens and vernal pools.”

Wetland Water Quality Standards¹

The State Water Resources Control Board and regional water quality boards regulate discharges into wetlands and other waters.² Boards establish basin plans to guide such discharges. Some of the water quality boards have adopted wetland-specific water quality standards including the water boards for Region 2 (San Francisco), Region 4 (Los Angeles), Region 6 (Lahontan) and Region 8 (Santa Anna). Water Boards are presently developing a Stream and Wetland Protection Policy

Designated Uses

Some basin plans assign water quality objectives and beneficial uses to wetlands.³ San Francisco’s basin plan assigns water quality objectives for the San Francisco Bay and Delta and the Suisan Marsh. Los Angeles’s Basin Plan assigns narrative water quality objective to all wetlands. Lahontan explicitly recognizes wetlands as surface waters in its basin plan and has a number of beneficial uses related to wetland functions including Water Quality Enhancement and Flood Peak Attenuation/Flood Water Storage, which are assigned to wetlands in each hydrologic area. Santa Ana’s basin plan includes water quality objectives for the San Joaquin Freshwater Marsh.

¹Id..

²Id.

³Id.

Narrative and/or Numeric Criteria

Some basin plans include numeric and narrative water quality objectives (standards) to protect beneficial uses. See Designated Uses above.

Antidegradation Policy

The State Water Resources Control Board has established a broad antidegradation policy which applies to “all waters of the state.” Resolution 68-16 (Antidegradation policy) allows water quality to be lowered as long as beneficial uses are protected (pollution or nuisance will not occur), best practical treatment and control...of the discharge is provided, and the degradation is in the best interest of the people of California.”