

Appendix C

State and Federal Implementing Entities

The following summary statements are provided in order to indicate generally the responsibilities of agencies that will assist the Harbor District in implementing the Humboldt Bay Management Plan.

State Agencies

The Resources Agency of California

Mission Statement

The Resources Agency of California is responsible for the conservation, enhancement, and management of California's natural and cultural resources, including land, water, wildlife, parks, minerals, and historic sites. The Agency is composed of 18 State departments, boards, conservancies, and commissions.

Major Roles and Responsibilities in Wetlands Management

In regards to wetlands, the primary of role and responsibility of the Resources Agency is the implementation of the State Wetland Conservation Policy.

On August 23, 1993, Governor Pete Wilson signed Executive Order W-59-93, establishing a [State Wetland Conservation Policy \(SWCP\)](#) and providing comprehensive direction for the coordination of state-wide activities for the preservation and protection of wetland habitats. The SWCP was the first state-wide conservation policy of its type in the United States. The Resources Agency and the California Environmental Protection Agency (Cal EPA) are designated as co-lead to implement the goals of the SWCP. The SWCP has three central goals:

- ✍ Ensure no overall net loss and achieve a long-term net gain in the quantity, quality, and permanence of wetlands acreage and values in California in a manner that fosters creativity, stewardship and respect for private property;
- ✍ Reduce procedural complexity in the administration of State and Federal wetlands conservation programs; and

- ✍ Encourage partnerships to make landowner incentive programs and cooperative planning efforts the primary focus of wetlands conservation and restoration.

In addition to the "no net-loss" policy of the SWCP, Secretary for Resources, Douglas P. Wheeler, has set "a goal of a 30 to 50 percent increase in the quantity, quality and permanence of wetlands by the year 2010." The policy means that are employed to achieve the objectives of the SWCP are largely three in nature. They are:

I. Statewide policy initiatives, including:

- ✍ a State-wide wetlands inventory
- ✍ support for wetland planning
- ✍ improved administration of existing regulatory programs
- ✍ strengthened landowner incentives to protect wetlands
- ✍ support for mitigation banking
- ✍ development and expansion of other wetlands programs
- ✍ integration of wetlands policy and planning with other environmental and land use processes

II. Three geographically based regional strategies in which wetlands programs can be implemented, refined, and combined in unique ways to achieve the goals and objectives of the policy. These strategies will be implemented in:

- ✍ [the Central Valley](#)
- ✍ [San Francisco Bay Area](#), and
- ✍ [Southern California](#)

III. Creation of an interagency wetlands task force on wetlands to direct and coordinate administration and implementation of the policy.

The Resources Agency is also responsible for operating and maintaining the Wetlands Information System, housed within the California Environmental Resources Evaluation System (CERES). This web site includes over 300 pages of information ranging from permitting guidelines, historical and current wetland maps, to Federal/State wetland policies. Detailed regional wetland inventories that include historical and current extent of wetlands and associated wetland functions and values have also been completed for the San Francisco Bay Area and coastal Southern California as part of the Wetland Information System. In addition, we have coordinated the use of data sets through the Natural Heritage Division of the Department of Fish & Game.

Legal Mandate

In regards to wetlands, the primary mandate for the Resources Agency, is Executive Order W-59-93 which established the State Wetland Conservation Policy. However, as a cabinet agency created under Government Code 12805,

the Secretary for Resources also has a broader statutory mandate which is applicable to overall wetlands management. The applicable Government Code Sections are:

12850. The secretary of each agency has the power of general supervision over, and is directly responsible to the Governor for, the operations of each department, office, and unit within the agency.

12850.2. The secretary of each agency shall advise the Governor on, and assist him in establishing, major policy and program matters affecting each department, office, or other unit within the agency, and shall serve as the principal communication link for the effective transmission of policy problems and decisions between the Governor and each such department, office, or other unit.

12850.4. The secretary of each agency shall exercise the authority vested in the Governor in respect to the functions of each department, office, or other unit within the agency, including the adjudication of conflicts between or among the departments, offices, or other units; and shall represent the Governor in coordinating the activities of each such department, office, or other unit with those of other agencies, federal, state, or local.

The Resources Agency is also mandated to perform certain tasks related to the [California Environmental Quality Act \(CEQA\)](#). The Secretary for Resources possesses the following responsibilities under CEQA:

- ✍ Makes findings that a class of projects given categorical exemptions will not have a significant effect on the environment;
- ✍ Certifies state environmental regulatory programs which meet specified standards as being exempt from certain provisions of CEQA;
- ✍ Receives and files notices of completion, determination, and exemption; and
- ✍ Provides assistance in interpreting the provisions of CEQA and the CEQA Guidelines.
- ✍ Periodically revise the guidelines which implement CEQA (Title 14, 15000-15387-California Code of Regulations).

Mailing Address:
Resources Agency
1416 Ninth Street, Suite 1311
Sacramento, CA 95814

California Department of Fish and Game

Mission Statement

The mission of the California Department of Fish and Game (DFG) is to manage California's diverse fish, wildlife, and plant resources, and the habitats upon which they depend, for their ecological values and for their use and enjoyment by the public.

Major Roles and Responsibilities in Wetlands Management

The wetland activities of DFG are divided primarily between the Environmental Services Division (ESD) and the Wildlife Management Division (WMD). ESD conducts all aspects of wetlands regulation, permitting, and mitigation. While WMD is responsible for wetlands protection, restoration and enhancement on state wildlife areas and on private land under voluntary agreements with landowners.

ESD's primary role in wetlands management is executing "Streambed Alteration Agreements." Streambed Alteration Agreements are required in certain instances for construction projects which would impact wetlands associated with rivers, streams, or lakes. ESD also confers with other State and Federal government agencies issuing wetlands permits. These agencies include the U.S. Army Corps of Engineers (CWA §404 Permits), and the California Coastal Commission (Coastal Development Permits), the State Water Resources Control Board and its Regional Water Quality Control Boards (Water Quality Certification), and the San Francisco Bay Conservation and Development Commission (BCDC Permits).

WMD's major role in wetlands management is to meet the wetlands protection, restoration, and enhancement goals of the Central Valley Habitat Joint Venture, a component of the North American Waterfowl Management Plan. These habitat goals are achieved on state-owned wildlife areas and on private land enrolled in WMD's voluntary wetland incentive or easement programs. WMD's wetlands goals are completely separate from any wetland permitting or mitigation activities conducted by ESD although the two DFG divisions work together to achieve common resource benefits.

Legal Mandate

The Department has no officially adopted regulations or statutes pertaining to wetlands. However, as mentioned above Fish and Game Code §1601 and §1603 charge DFG with executing Streambed Alteration Agreements. Fish and Game Codes §§5650-5645 pertain to the protection of water quality but do not charge DFG with additional permitting responsibilities. As designated a Trustee and/or Responsible Agency per the California Environmental Quality Act §15386 and §15381, DFG reviews and comments on documents produced by the lead

agencies. DFG also administers the California Endangered Species Act and "lists plant and animal species per the act.

Mailing Address:
Habitat Conservation Planning Branch
1416 Ninth Street, 12th Floor
Sacramento, CA 95814

Department of Water Resources

Mission Statement

The mission of the Department of Water Resources (DWR) is to manage the water resources of California, in cooperation with other agencies, to benefit the State's people and to protect, restore, and enhance the natural and human environment.

Major Roles and Responsibilities in Wetlands Management

DWR's roles and responsibilities in wetlands management include avoidance and mitigation of wetlands impacts, wetlands protection and restoration, and technical assistance regarding water management.

DWR is responsible for constructing, operating, and maintaining the State Water Project. As part of this responsibility, DWR is required to avoid, minimize, or mitigate for wetland impacts. The largest wetland mitigation project in which DWR is currently involved mitigates for water quality impacts to Suisun Marsh. DWR has spent approximately \$40 million to enhance supplies for private and public wetlands in the marsh. DWR is also evaluating the benefit of developing a wetland mitigation bank on lands it owns in the Sacramento-San Joaquin Delta, including Twitchell and Sherman Islands.

DWR programs that support the protection and restoration of wetland habitat are numerous. Some of these programs are mentioned below.

- ✍ DWR manages the Urban Stream Restoration Program which assists project proponents in resolving bank erosion and flood problems and protects natural environmental values of streams.
- ✍ DWR provides staff for the Upper Sacramento River Advisory Council which seeks to restore the Upper Sacramento River to a continuous riparian ecosystem.
- ✍ DWR is active in developing and implementing the San Joaquin River Management Program - a multi-objective river management program.
- ✍ DWR and the California Department of Fish and Game are implementing a memorandum of understanding designed to assure no net long-term loss

of fish and wildlife habitat in connection with work on Sacramento-San Joaquin Delta levees.

- ✍ DWR's Floodplain Management Program provides communities with information on laws, regulations, and land use practices which promote the protection of the 100-year floodplain. The primary objective of this program is to reduce flood damages. However, as a result of this program, wetland and riparian habitat in the floodplain are protected.

DWR also offers technical assistance in areas such as engineering, hydrology, mapping, water quality, and water use which are used in the protection and management of wetland and riparian habitats.

Legal Mandate

Several of the legal mandates governing DWR programs that involve wetland and riparian activities include:

- ✍ California State Water Resources Control Board's water rights decisions directing DWR and the U.S. Bureau of Reclamation to develop a plan and monitoring network to meet water quality standards in Suisun Marsh.
- ✍ The Urban Streams Restoration Program established under Water Code §7048.
- ✍ The Floodplain Management Program established under Water Code §8400 et seq. (Coby-Alquist Floodplain Management Act).

DWR is also currently preparing a report required by the Central Valley Improvement Act to assess the water needs and alternative water supplies for private and public wetlands in the Central Valley not provided in the Act.

For more information on the Department of Water Resources contact:

Mailing address:
Environmental Services Office
Department of Water Resources
3251 S Street
Sacramento, CA 95816

California Department of Parks and Recreation

Mission Statement

The mission of the California Department of Parks and Recreation (DPR) is to provide for the health, inspiration, and education of the people of California by helping to preserve the State's extraordinary biological diversity, protecting its most valued natural and cultural resources, and creating opportunities for high-quality outdoor recreation.

Major Roles and Responsibilities in Wetlands Management

The Department has a major role in the protection, restoration, and interpretation of the State's wetlands. A primary goal for DPR is the preservation of the State's biological diversity and the protection of its valued natural resources including wetlands. DPR manages over 265 park units, including over 280 miles of coastline and 250 miles of rivers. Many of the coastal units contain river mouths with coastal lagoons and estuaries.

Wetlands restoration is a high priority in the Department's Resource Management Program and is pursued in all California bioregions. For example, DPR's coastal area projects focus on the restoration of natural hydrologic conditions and the re-establishment of native plant communities while its riparian restoration projects focus on the restoration of altered channel morphology through the application of bioengineering. Examples of major wetland restoration projects include coastal wetlands at Pescadero Marsh Natural Preserve in San Mateo County, Wilder Beach Natural Preserve in Santa Cruz County, San Simeon State Park in San Luis Obispo County, Gaviota State Park in Santa Barbara County, and Tijuana Estuary Natural Preserve in San Diego County. Significant riparian restoration efforts have undertaken in numerous State Parks including Humboldt Redwoods State Park in Humboldt County, Washoe Meadows State Park in the Lake Tahoe Basin, Picacho State Recreation Area along Colorado River, and Anza-Borrego Desert State Park in San Diego County.

DPR is also involved in wetlands protection and restoration through the administration of local grants programs, such as the California Land and Water Conservation Fund and the Habitat Conservation Grant Program. Both of these programs include priorities for wetlands acquisition and restoration.

DPR provides educational opportunities, such as guided tours and interpretive displays, for park visitors to increase their understanding and appreciation of wetlands.

Legal Mandate

In addition to being included in DPR's primary mission, wetlands preservation is also a mandated responsibility under the Keene-Nejedly California Wetlands Preservation Act of 1976 (Pub. Res. Code Div. 5, Ch. 7). The Act directs DPR, along with the Department of Fish and Game, to recognize opportunities for protecting wetlands which lie within or adjacent to State Park System units, and to consider acquisition of wetlands in proximity of State Parks. In addition to lands directly owned by DPR, the Department also has certain jurisdiction over granted or ungranted tidelands or submerged lands abutting State Park System lands (Pub. Res. Code §5003.5).

For more information on the California Department of Parks and Recreation

contact:

Mailing address:
California Department of Parks and Recreation
P.O. Box 942896
Sacramento, CA 94296-0001

The Wildlife Conservation Board

Mission Statement

The Wildlife Conservation Board's (Board) mission is to select, authorize, and allocate funds for the purchase of land and waters suitable for the preservation, protection, and restoration of wildlife habitat. The Board is also responsible for providing compatible recreational facilities. This has included the development of fishing piers and other means of access to coastal and inland waters and cost-sharing for wetlands enhancement.

Major Roles and Responsibilities in Wetlands Management

The Board is responsible for wetlands protection through the acquisition of fee and lesser interests, such as conservation easements. In addition, the Board assists local agencies, special districts, and nonprofit organizations with cost-share projects which restore and enhance public and privately owned wetlands. The Board is also responsible for managing the Inland Wetlands Conservation Program. This program assists the Central Valley Joint Venture in meeting specific objectives which protect, restore, and enhance public and privately owned wetlands in the California Central Valley.

Although the Board does not actively manage wetlands, it does have the authority to manage and award leases for degraded wetlands to nonprofit organizations, special districts, and local and state agencies. Under the terms of the lease, the lessee agrees to restore wetlands to their highest possible wetland value and maintain the wetlands at their highest possible value. Also, the Board has the authority to acquire degraded wetlands, restore the wetland to highest wetland value, and then sell the wetland to the private sector or another governmental entity. Such transactions only require short term management responsibilities.

Legal Mandate

The Board was established by legislation under the Wildlife Conservation Act of 1947 to administer a capital outlay program for wildlife conservation and related public recreation. Subsequent legislation, such as the Inland Wetlands Conservation Program (1990) and the California Riparian Habitats Protection Program (1991), expanded the Board's mandate. Generally, the Board's mandate can be found in §§1300-1431 of the California Fish and Game Code. Although the

Board is a part of the California Department of Fish and Game, it has separate funding.

Mailing address:
1807 13th Street, Suite 103
Sacramento, CA 95814
Phone: (916) 445-8448
Fax: (916) 323-0280

California Coastal Commission

Mission Statement

The California Coastal Commission (Commission) is a State coastal management and regulatory agency that in partnership with local governments, is responsible for implementation of the California Coastal Management Program.

Major Roles and Responsibilities in Wetlands Management

With regards to wetlands, the Coastal Commission's primary role is the regulation of coastal development affecting wetlands in California's coastal zone. (The coastal zone extends three miles seaward and generally about 1,000 yards inland. In particularly important and generally undeveloped areas where there can be considerable impact on the coastline from inland development, the coastal zone extends to a maximum of 5 miles inland from mean high tide line. In developed urban areas, the coastal zone extends substantially less than 1,000 yards inland. The Coastal Commission's jurisdiction does not extend into or around San Francisco Bay, where development is regulated by the San Francisco Bay Conservation and Development Commission.) In this capacity, the Commission has permitting authority over many types of activities proposed in wetlands occurring in the coastal zone.

The Commission also maintains active involvement in select projects involving wetlands restoration, enhancement, and/or mitigation. This involvement may include both procedural and technical assistance during all phases of a project.

Legal Mandate

The Coastal Commission operates under legal authority granted to it by the California Coastal Act of 1976, as amended (California Public Resources Code, Division 20). Jurisdiction also depends on whether a particular activity constitutes "development." ("Development" on land, or in or under water includes, but is not limited to, the placement or erection of any solid material or structure; discharge or disposal of any dredged material; change in the density or intensity of use of land; change in the intensity of use of water or its access; and construction, reconstruction, demolition, or alteration of size of any structure.)

Under the federal Coastal Zone Management Act, the Commission can also regulate federal actions or federally funded projects occurring outside the coastal zone as long as they affect resources within the zone.

Mailing address:

45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219

California State Coastal Conservancy

Mission Statement

The California State Coastal Conservancy (Conservancy) is an independent state agency that works through non-regulatory means to protect, restore, and enhance coastal resources, including wetlands.

Major Roles and Responsibilities in Wetlands Management

The Conservancy works in partnership with public agencies, nonprofit organizations, community groups, landowners, and business interests in resolving land use conflicts, developing restoration and enhancement plans for coastal and San Francisco Bay wetlands and watersheds, and implementing these plans, including land acquisition. It cooperates closely with the California Coastal Commission in implementing projects around San Francisco Bay. The Conservancy also undertakes enhancement or restoration projects directly, or provides funding and technical assistance to local agencies or nonprofit organizations.

Legal Mandates

The Conservancy is authorized to act within the geographic areas described in § 31006 of the California Public Resources Code and as specifically allowed in subsequent sections of Division 21. With some exceptions, Conservancy projects are all within the "coastal zone" (see below) or around San Francisco Bay. For purposes of resource enhancement, the Conservancy may also undertake projects in coastal watersheds, which may extend inland of the coastal zone. (The "coastal zone" is the area of California's land and water from the Oregon border to the border of the Republic of Mexico and extending seaward to the State's outer limit of jurisdiction and extending inland generally a 1,000 yards from the mean high tide line.)

Mailing address:

1330 Broadway Street, Suite 1100
Oakland, CA 94612
(510)286-1015
Fax (510)286-0470

California State Lands Commission

Mission Statement

The mission of the California State Lands Commission (Commission) is to manage some 4.5 million acres of land held in trust for the people of California. The State holds these lands for all the peoples of the State for the public trust purposes of water related commerce, navigation, fisheries, recreation, and open space.

Major Roles and Responsibilities in Wetlands Management

Within these State owned lands lie many wetlands. The Commission manages the use of the State owned wetlands through leases to other public agencies and private parties. For example, the Commission has leased wetlands around San Francisco Bay to the California Department of Fish and Game and other lands to the U.S. Fish and Wildlife Service for wetlands and habitat management and restoration. Private parties may also apply to lease lands for wetlands or habitat purposes for environmental mitigation. In its role as Trustee of the Kapiloff Land Bank Fund, the Commission has participated in acquiring wetlands for the inclusion in habitat management projects. The State also retains a public trust easement over some formerly State-owned sovereign lands which have been conveyed into private ownership. The Commission may exercise this public trust easement to constrain the use of those lands consistent with their resource values. For example, the Commission has exercised the easement over the mudflats in the City of Albany to protect their wetlands habitat values.

Legal Mandate

The Commission has jurisdiction and control over State owned lands pursuant to Public Resources Code §6000 et seq. These lands include: a three mile-wide section of tidal and submerged land adjacent to the coast and offshore islands, including bays, estuaries, and lagoons; the waters and underlying beds of more than 120 rivers, lakes, streams, and sloughs; and 585,000 acres of school lands granted to the state by the federal government to support public education.

Mailing address:

California State Lands Commission
100 Howe Avenue, Suite 100-South
Sacramento, CA 95825-8202
(916) 574-1900
Fax (916) 574-1810

California Environmental Protection Agency

Mission Statement

The California Environmental Protection Agency (Cal/EPA) is responsible for coordinating and prioritizing the State's efforts to protect the environment. Cal/EPA's mission is to improve environmental quality in order to protect public health, the welfare of our citizens, and California's natural resources.

The Agency is composed of the following Boards, Offices, and Departments:

[Air Resources Board](#)

[Department of Pesticide Regulation](#)

[Department of Toxic Substances Control](#)

[Integrated Waste Management Board](#)

[Office of Environmental Health Hazard Assessment](#)

[State Water Resources Control Board](#)

[Regional Water Quality Control Boards](#)

Major Roles and Responsibilities in Wetlands Management

The State Water Resources Control Board (SWRCB) and the Regional Water Quality Control Boards (RWQCB) promulgate and enforce water quality standards in order to protect water quality. Also, the RWQCBs adopt and the SWRCB approves Water Quality Control Plans (Basin Plans). Basin Plans identify legally binding beneficial uses of water and water quality objectives which protect those uses and establish a program of implementation.

The State Board and the Regional Boards regulate discharges to surface waters including wetlands under the federal Clean Water Act (CWA) and the California Porter-Cologne Water Quality Control Act (Porter-Cologne). Discharges to land are regulated under Porter-Cologne. The RWQCBs have the lead permitting role and decide which regulatory instrument to use. The RWQCBs may specify wetland restoration, enhancement, or mitigation as a condition of a discharge permit.

Legal Mandate

The Secretary for Environmental Protection is the administrative head of the Agency, and serves as the primary point of accountability, reporting directly to the Governor, for coordination of the State's many environmental protection programs.

Mailing address:

P.O. Box 100

Sacramento, CA 95812

State Water Resources Control Board

Mission Statement

The State Water Resources Control Board (State Board) and the nine (9) Regional Water Quality Control Boards (Regional Boards) work together to protect California's water resources. With passage of the Porter-Cologne Water Quality Control Act in 1969, the Boards together became the "principal state agencies with primary responsibility for the coordination and control of water quality." In 1991, the Boards were brought together with five other State environmental protection agencies under the newly crafted California Environmental Protection Agency (Cal/EPA).

The State Board is generally responsible for setting statewide water quality policy and considering petitions contesting Regional Board actions. The State Board is also solely responsible for allocation of surface water rights. The State Board is organized into four divisions encompassing three broad program areas and an administration function that supports not only the State Board, but also the nine Regional Boards. Five full-time, appointed Board members and over 550 employees work at the State Board.

Within the State Board, the Division of Water Quality is responsible for providing the statewide perspective on a wide range of water quality planning and regulatory functions, including regulation of activities affecting wetlands under Federal Clean Water Act and State Porter-Cologne Act programs. The Division of Water Rights may also at times be involved in regulating discharges to wetlands as they pertain to regulation of water storage or hydroelectric facilities.

The nine Regional Boards are each semi-autonomous and comprised of nine part-time Board members appointed by the Governor. Regional boundaries are based on and consistent with major State watersheds. Each Regional Board makes water quality planning and regulatory decisions for its region. These decisions include issuing State waste discharge requirements (discharge permits) or recommending Clean Water Act certification for activities affecting wetlands and other water bodies. Most Regional Board decisions can be appealed to the State Board. Together, the Regional Boards have over 650 employees working in 12 regional locations.

Major Roles and Responsibilities in Wetlands Management

The State Board and the Regional Boards promulgate and enforce narrative and numeric water quality standards in order to protect water quality. Also, the Regional Boards adopt and the State Board approves Water Quality Control Plans (Basin Plans). Basin Plans identify (designate) legally-binding beneficial uses of water for water bodies, including wetlands, assign water quality objectives (criteria) to protect those uses, and establish appropriate implementation

programs.

The State Board and the Regional Boards regulate discharges of harmful substances to surface waters including wetlands under the federal Clean Water Act (CWA) and the California Porter-Cologne Water Quality Control Act (Porter-Cologne). Discharges to dry land are regulated under Porter-Cologne. For discharges to most wetlands the Regional Boards have the lead permitting role and decide which regulatory instrument to use. Regional Boards may specify wetland restoration, enhancement, or mitigation as a condition of a permit to discharge to a wetland.

Legal Mandate

The Porter-Cologne Act establishes a comprehensive program for the protection of water quality and beneficial uses of water. It applies to surface waters (including wetlands), groundwater, and point and non-point sources of pollution. The Regional Boards regulate discharges under Porter-Cologne primarily through the issuance of waste discharge requirements. Porter-Cologne provides several means of enforcement, including cease and desist orders, cleanup and abatement orders, administrative civil liability orders, civil court actions, and criminal prosecution.

Section §401 of the Clean Water Act gives the State Board and Regional Boards the authority to regulate through water quality certification any proposed federally-permitted activity which may result in a discharge to water bodies, including wetlands. Among such activities are discharges of dredged or fill material permitted by the U.S. Army Corps of Engineers under §404 of the CWA (e.g., navigational dredging; flood control channelization; levee construction; channel clearing; and fill of wetlands or other water bodies for land development). The State may issue, with or without conditions, or deny certification for activities, which may result in such discharges.

For more information on the State Water Resource Control Board contact:

STATE BOARD DIVISION OF WATER QUALITY

Division of Water Rights

1001 I Street, 14th Floor

Sacramento, CA 95814

Tele: (916) 341-5300

Website: <http://www.dwrweb.swrcb.ca.gov>

Division of Water Quality

1001 I Street, 15th Floor

Sacramento, CA 95814

Tele: (916) 341-5455

Website: <http://www.swrcb.dwg.ca.gov>

California Department of Transportation

Mission Statement

The mission of the California Department of Transportation (Caltrans) is to provide the people of California with a safe efficient and intermodal transportation system. In pursuit of its mission, Caltrans plans, develops, maintains, and manages the interregional transportation system and assists and guides the delivery of local and regional transportation services. Caltrans also provides leadership for California's transportation future by conducting research and development, and by formulating plans, programs, guidelines, and standards.

Major Roles and Responsibilities in Wetlands Management

Caltrans is required to be in compliance with regulations pertaining to wetlands and to implement the state and federal policies of "no net loss" of wetlands. As a result of these policies, disturbances or impacts to wetlands due to transportation projects are compensated through the creation, restoration, enhancement, and/or preservation of wetlands.

Legal Mandate

Caltrans complies with all state and federal laws pertaining to wetlands and wetlands protection. These laws include the California Environmental Quality Act, National Environmental Policy Act, §401 and §404 of the federal Clean Water Act, § 10 of the Rivers and Harbors Act, and the President's Executive Order 11990.

For more information on the California Department of Transportation contact:

Mailing address:

Environmental Program

P.O. Box 942874

Sacramento, CA 94274-0001

DISTRICT OFFICES

[District 1/Del Norte, Humboldt, Mendocino, Lake, and W1/2 Trinity Counties](#)

(707)445-6600

Federal Agencies

U.S. Fish and Wildlife Service

Mission Statement

The mission of the U.S. Fish and Wildlife Service (USFWS) is to conserve, protect, and enhance fish and wildlife, and their habitats for the continuing benefit of the American people. USFWS activities include, but are not limited to: enforcing the federal Endangered Species Act; acquiring wetlands, fishery habitats, and other lands for restoration and preservation; insuring compliance with the National Environmental Policy Act; managing National Wildlife Refuges and National Fish Hatcheries; and reviewing and commenting on all water resource projects.

Major Roles and Responsibilities in Wetlands Management

The Fish and Wildlife Service through its various divisions is involved in wetlands permitting, protection, planning, restoration, enhancement, and acquisition. Although most divisions have specific areas of responsibility there is some overlap.

The Ecological Services Division, along with the Law Enforcement Division and individual National Wildlife Refuges, are responsible for wetlands protection. For example, under §7 of the Federal Endangered Species Act, the U.S. Army Corps (Army Corps) of Engineers is required to consult with USFWS prior to issuing a permit allowing certain activities to take place in a wetland. (§7 applies to property containing federally listed threatened or endangered species.) USFWS will then issue a biological opinion stating whether the Army Corps permit is likely to jeopardize the continued existence of a listed species.

Planning efforts in California may involve the Ecological Services Division and/or the Central Valley Habitat Joint Venture (CVHJV), and the Realty Division.

The CVHJV was established by a working agreement in July of 1988, "to protect, maintain and restore habitat to increase waterfowl populations to desired levels in the Central Valley of California consistent with other objectives of the North American Waterfowl Management Plan." The CVHJV is coordinated by USFWS and is comprised of representatives from the California Waterfowl Association, Defenders of Wildlife, Ducks Unlimited, National Audubon Society, The Nature Conservancy, The Trust for Public Lands, and the Waterfowl Habitat Owners Alliance.

Wetlands restoration and enhancement may require the involvement of a number of USFWS divisions including, the California Private Lands Office, the

Central Valley Habitat Joint Venture, the National Wildlife Refuges, the Riparian Habitat Joint Venture, and Ecological Services Division.

The two primary USFWS divisions facilitating wetlands acquisition are the Central Valley Habitat Joint Venture and the Realty Division. Lastly, USFWS oversees thousands of acres of wetlands nationally as managers of National Wildlife Refuges.

Legal Mandate

The Fish and Wildlife Service's jurisdiction is nationwide and operates under a host of federal legal mandates that explicitly and implicitly refer to wetlands. Among these mandates are the Coastal Wetlands, Planning, Protection, and Restoration Act; the Coastal Zone Management Act; the Emergency Wetlands Resources Act; Endangered Species Act; Federal Water Pollution Control Act ("Clean Water Act"); Fish and Wildlife Coordination Act; Land and Water Conservation Fund (Public Law 88-578); Lea Act; Migratory Bird Hunting and Conservation Stamp Act; Migratory Bird Treaty Act; National Environmental Policy Act; National Wildlife Refuge Act; National Wildlife Refuge System Administration Act; North American Wetlands Conservation Act; Rivers and Harbors Act; and the Wetlands Loan Act.

Through various pieces of Federal legislation a number of National Wildlife Refuges have been established in California, among these are Humboldt Bay, San Francisco Bay, Seal Beach, and Tule Lake-Klamath Wildlife Refuges to name a few.

For more information on the U.S. Fish and Wildlife Service contact:

ECOLOGICAL SERVICES

[Sacramento Office](#)

2800 Cottage Way, E-2605
Sacramento, CA 95825

U.S. Army Corps of Engineers

Mission Statement

The U.S. Army Corps of Engineers (Army Corps) provides design and engineering services, and construction support for a variety of military and civilian projects world wide. One of the Army Corps' primary civil roles is to manage the nation's waterways and wetlands. The Army Corps activities include, but are not limited to, constructing projects approved by Congress for flood control, commercial navigation, or shipping channel maintenance; emergency response to natural disasters; operating and maintaining flood control reservoirs and public

reclamation facilities; and regulating activities in wetlands including issuing dredge and fill permits and authorizing the establishment of wetland areas.

Major Roles and Responsibilities in Wetlands Management

The regulatory branch of the Army Corps is responsible for implementing and enforcing §404 of the federal Clean Water Act (CWA) (33 Code of Federal Regulations parts 320 to 330). Army Corps regulations require that any activity which discharges fill material and/or requires excavation in "waters of the United States" (see below), including wetlands, requires a §404 permit. As part of the permit process, mitigation for unavoidable impacts to wetlands are usually required for affected. Mitigation can be in the form of wetland restoration, creation, enhancement, or preservation.

Legal Mandate

The Army Corps' regulatory authority is contained within §404 of the CWA. Army Corps jurisdiction is over "waters of the United States" which is defined at 33 Code of Federal Regulations 328.3 as (1) all navigable waters and their tributaries; (2) all interstate waters and their tributaries; (3) all other waters, the use, degradation, or destruction of which could affect interstate commerce; (4) all water impoundments; (5) territorial seas; and (6) wetland adjacent to waters identified above.

For more information on the U.S. Army Corps of Engineers Regulatory Program contact:

[SAN FRANCISCO DISTRICT](#)

Regulatory Branch
San Francisco District (SPN-CO-R)
333 Market Street, 8th Floor
San Francisco, CA 94105-2197

U.S. Environmental Protection Agency

Mission Statement

The U.S. Environmental Protection Agency (EPA) is responsible for implementing federal laws designed to protect air, water, and land. While this is done primarily through regulation, the EPA has also developed a wide variety of funding, planning, and education programs.

Major Roles and Responsibilities in Wetlands Management

EPA activities which affect wetlands include, but are not limited to, developing rules to regulate municipal and industrial wastewater discharge, and stormwater discharge; overseeing drinking water quality; and overseeing U.S. Army of Corps

of Engineers regulatory activities pertaining to wetlands protection, and dredge and fill activities.

Legal Mandate

While numerous federal environmental laws guide the EPA's activities pertaining to wetlands, its primary mandate is provided by the Federal Clean Water Act (CWA). Section 404 of the CWA establishes a program to regulate the discharge of dredged and fill material into waters of the United States, including wetlands. Activities in the program that are regulated under this program include fill for development, water resource projects (such as dams and levees), infrastructure development (such as highways and airports), and conversion of wetlands to uplands for farming and forestry.

For more information on U.S. Environmental Protection Agency contact:

[OFFICE OF WETLANDS, OCEANS, AND WATERSHEDS/WETLANDS DIVISION](#)

Mailing address:

USEPA Headquarters
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

REGION IX; CA, NV, AZ, HI, PACIFIC ISLANDS

Mailing address:

75 Hawthorne Street
San Francisco, CA 94105

National Marine Fisheries Service

Mission Statement

The National Marine Fisheries Service (NMFS) has the primary Federal responsibility for the conservation, management, and development of living marine resources and for the protection of certain marine mammals and endangered species under numerous federal laws. These responsibilities are inherent in NMFS's mission which is "to achieve a continued optimum utilization of living marine resources for the benefit of the Nation."

Major Roles and Responsibilities in Wetlands Management

NMFS comments on all National Environmental Policy Act (NEPA) and federal Clean Water Act (CWA) §404 documents for projects that could affect marine, estuarine, or anadromous fish or their habitat. This includes intertidal wetlands, subtidal areas, and eelgrass habitat for marine and estuarine species and riparian habitat for salmonids. NMFS is also responsible for designating critical habitat for

species it lists under the federal Endangered Species Act (ESA). The critical habitat designation may include wetlands; e.g., the shaded riverine aquatic habitat of the winter-run Chinook salmon.

NMFS works with project proponents during a project's scoping stage to assure that species and habitat concerns are addressed early in the planning process. Furthermore, NMFS participates in a number of statewide and regional wetland restoration efforts and planning groups; e.g., Brush Creek Restoration Project in Sonoma County. Wetland mitigation is often recommended by NMFS during the planning process, or during consultation under ESA.

NMFS's research laboratory in Beaufort, North Carolina (part of the NMFS Habitat Restoration Center) conducts basic research to assess and develop habitat restoration techniques. In coordination with the National Oceanic and Atmospheric Administration (NOAA), NMFS maps and evaluates long-term habitat changes along the U.S. coasts through the "Coastal Change Analysis Program."

Legal Mandate

NMFS's direct regulatory jurisdiction is limited to those wetlands that are defined as part of the critical habitat for NMFS-listed species under the ESA. As mentioned above, under NEPA and CWA §404, NMFS is required to comment on all projects that could affect marine, estuarine, or anadromous fish or their habitat.

For more information on the National Marine Fisheries Service contact:

NORTHERN CALIFORNIA OFFICE
North/Central Coast
Mailing address:
777 Sonoma Avenue, Room 325
Santa Rosa, California 95404

Natural Resources Conservation Service

Mission Statement

The mission of the Natural Resource Conservation Service (NRCS) is to provide national leadership in the conservation of soil, water, and related natural resources. The NRCS provides balanced technical assistance and cooperative conservation programs to landowners and land managers throughout the United States as part of the U.S. Department of Agriculture (USDA).

Major Roles and Responsibilities in Wetlands Management

The NRCS makes wetlands determinations and delineations in agricultural areas under §404 of the Clean Water Act for the U.S. Army Corps of Engineers and for Farm Bill purposes (see below) but does not issue permits pertaining to wetlands. However, the NRCS has long provided technical assistance to those involved in land conservation and planning and wetlands restoration and enhancement. The agency has also assisted in wetlands restoration and enhancement through programs such as, the Water Bank Program, the Wetland Reserve Program, the Agricultural Conservation Program, the Conservation Reserve Program, the Resource Conservation and Development Program (RC&D), and the Small Watersheds Program (PL-566). As part of the NRCS's Wetlands Protection Policy, landowners have the option of mitigating wetland impacts in order to continue receiving NRCS assistance. Also, in programs such as RC&D and PL-566 mitigation has been an option.

Legal Mandates

In 1979 Executive Order 11990 established the NRCS's Wetlands Protection Policy (WPP). WPP and the National Environmental Policy Act regulate all the NRCS's activities. The Farm Bills of 1985 and 1990 established "Swampbuster." Under this program a landowner or manager could lose USDA benefits or eligibility to participate in USDA programs if they convert a wetland to agricultural production.

For more information on the USDA, NRCS contact:

Mailing address:
NRCS West Regional Office
430 G Street, Suite 4165
Davis, CA 95616

There is a NRCS field office in almost every county where general information can be obtained. However, if there is no field office in your county there are also area offices in Red Bluff, Salinas, and Fresno.

U.S. National Park Service

Mission Statement

The mission of the U.S. National Park Service (NPS) is to conserve the scenery, the natural and historic objects, and the wildlife in United States' national parks, and to provide for the public's enjoyment of these features in a manner that will leave them unimpaired for the enjoyment of future generations.

Major Roles and Responsibilities in Wetlands Management

Since the National Park Service (NPS) was established in 1916, Congress has included millions of acres of wetlands in the National Park System. These

wetlands provided the special protection inherent in the NPS mission. Unfortunately, many wetland areas enter the System in a non-pristine state or are adversely affected by activities like sewage treatment or drainage operations. Consequently, the NPS must often play an active role in wetlands management, restoration, and public awareness.

The NPS has a multi-faceted program for protecting and managing its wetland resources, which includes: protecting wetlands from pollution; providing technical expertise and funding to parks for wetland inventory and restoration projects; providing up-to-date management techniques to preserve wetland functions and values; and protection or acquisition of water rights. Also, the NPS plays key roles in other local, state, and federal government wetlands-related programs including the Rivers and Trails Conservation Assistance Program, the Wild and Scenic Rivers Program, and the preparation of State Comprehensive Outdoor Recreation Plans.

The NPS conducts research to determine how to best protect and restore wetlands. For example, at Everglades National Park, results of wildlife, hydrology, plant ecology, and marine science research support a massive project to protect and restore over 500,000 acres of critical tidal and non-tidal wetlands.

Legal Mandates

There are three laws that constitute the primary authorities for the administration of the National Park System. Under the 1916 NPS Organic Act, the NPS is charged with the management of the parks to "...conserve the scenery and the natural and historic objects and the wild life therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations." The General Authorities Act of 1970 defined the National Park System as including all the areas administered by the NPS "...for park, monument, historic, parkway, recreational, or other purposes..." In 1978, in an act expanding Redwood National Park, NPS general authorities were further amended to specifically mandate that all park units be managed and protected "in light of the high public value and integrity of the National Park System" and that no activities should be undertaken "in derogation of the values and purposes for which these various areas have been established," except where specifically authorized by law.

For more information on the National Park Service contact:

Pacific Great Basin System Support Office
600 Harrison Street, Suite 600
San Francisco, CA 94107

Redwood National Park
1111 Second Street
Crescent City, CA 95531

Appendix A: References

- ✍ California Wetlands Information System
<http://ceres.ca.gov/wetlands/agencies.html>