

**MWD**

METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

September 23, 1994

To: Board of Directors (Executive Committee--Action)
(Special Committee on Legislation--Action)

From: General Manager

Subject: Legislative Policy Principles for Wetlands

Report

This Board letter presents background information regarding the importance and status of wetlands, a discussion of current State and federal policy statements regarding wetlands, as well as an overview of the nature of Metropolitan's interaction with wetlands. Policy issues, options, and recommendations are then presented.

Importance of Wetlands. The functions, values and benefits of wetlands and riparian areas are numerous. As a group, wetlands provide groundwater recharge, sediment stabilization, flood flow attenuation, water quality maintenance, fish and wildlife habitat, climate moderation, shoreline protection, food production, and recreation.

Wetlands Status. According to a 1990 study performed by T.E. Dahl entitled, Wetland Losses in the United States: 1780's to 1980's, the conterminous United States lost over 117 million acres of wetland area over the last 200 years, a 53 percent loss in total area. Losses of wetlands have been due to agriculture, dredging and stream channelization, solid waste disposal, and development. The U.S. continues to lose nearly 300,000 acres per year, despite legislative and administrative efforts in the 1980's to curb this loss.

The report indicates that the State of California lost 91 percent of its total wetland areas by the mid-1980's, declining from an estimated 5,000,000 acres to approximately 450,000 acres. This represents the highest rate of loss of any state in the United States. Furthermore, the federal and state resources agencies agree that there has not been a reversal in the loss of wetlands in California to date. However, recent comprehensive wetlands data for California is not available to confirm this continued downward trend.

Administrative Wetlands Policies. In response to the continued losses of wetlands in the U.S. and in California, wetlands initiatives have recently been put forth by President Clinton and by Governor Wilson. Both of these plans attempt to strike a practical compromise that improves the status of wetland areas in the United States and California and that respects the rights of landowners.

On August 24, 1993, the White House released new Federal wetlands policy. The policy embodies several principles and administrative, regulatory, and legislative recommendations including: (1) support for no overall net loss of the nation's remaining wetlands with a long-term goal of increasing wetlands quality and quantity; (2) regulatory programs that are fair, flexible, and predictable; (3) encouraging non-regulatory programs, such as advance planning, restoration, and cooperative efforts to reduce reliance on regulatory programs; (4) expanded partnerships to protect and restore wetlands in an ecosystem/watershed context; and (5) basing wetlands policies upon the best scientific information available.

Governor Wilson unveiled a comprehensive wetlands policy for the State of California on August 23, 1993. The objectives of the Governor's wetlands policy are quite similar to those stated by the White House: (1) to reverse the current decline in California's wetland base; (2) to achieve an overall increase in the quantity, quality, and permanence of wetlands throughout California; and (3) to reduce procedural complexity and confusion in the administration of wetlands conservation programs.

The key components of the California program are: (1) a comprehensive statewide inventory of California's wetlands; (2) promotion of landowner incentive programs to preserve, restore, and enhance wetlands, including the provision of adequate funding from State and Federal sources; and (3) effective removal of a layer of government through State control of the Federal Clean Water Act Section 404 program.

Metropolitan's Interaction with Wetlands. A variety of Metropolitan's activities have the potential to affect wetlands. New water infrastructure, such as pipeline projects, cross streams and rivers with short-term construction impacts. Water conservation projects may also have ramifications for wetlands. Lining of the All American and Coachella Canals to prevent leakage and to conserve water will adversely affect about 7600 acres of wetlands, although about 85% of this is despised tamarisk. Implementation of the East Lowline and Trifolium Interceptors with the Imperial Irrigation District for

conservation of agricultural tailwater will reduce the amount of water reaching the Salton Sea. Should a coastal desalination plant be proposed, construction may affect salt marsh, and brine discharges would affect marine systems.

Operations and maintenance activities affect wetlands where streams, rivers or storm channels are in proximity to facilities such as conveyances, service connections, and filtration plants. Storm damage typically requires maintenance within wetlands including removal of deposited sediment and debris, clearing of culverts and regrading of access roads, capping of pipelines and placement of riprap to control erosion.

Reservoir maintenance may include modifications to inlet works and outlet towers and vegetation removal along the shoreline. Reservoir operation includes controlled release of storm flows with ramifications for downstream wetlands and for reservoir capacity. While the mere presence of water supply reservoirs provides incidental wetlands values, wetlands protection regulations do not recognize this incidental provision of values when impacts to them are necessary.

Conjunctive use projects and groundwater recharge activities by member agencies may be undertaken within riverbeds. Offstream recharge ponds will ultimately support wetland vegetation that has incidental value for wildlife.

Wetlands Policy Principles. Given the importance and endangered status of wetlands today and the scope of Metropolitan's activities within wetlands the following legislative policy areas warrant review:

Issue 1: Avoidance of impacts to wetlands.

Policy Options:

1. Plan projects to avoid all impacts to wetlands without regard for impacts to other resources.
2. Continue avoidance of wetlands whenever practicable and compensate for impacts.
3. Discontinue consideration of wetlands in the planning of projects.

Recommendation: Adopt policy option 2.

Issue 2: Wetlands mitigation banking may help to address Metropolitan's wetlands mitigation needs by allowing consolidation of planting and establishment efforts. The practice is controversial, particularly with the environmental community, but has gained official acceptance by the Federal government.

Policy Options:

1. Do not participate in wetlands mitigation banking and continue to provide mitigation for projects on a case-by-case basis.
2. Support acceptance of and enter into wetlands mitigation banking agreements to expedite project implementation.

Recommendation: Adopt policy option 2.

Issue 3: Some of Metropolitan's activities require State and federal wetlands permits. This is a complicated, and time-consuming process that creates difficulties for projects that do not have lengthy planning timeframes (e.g. operations and maintenance activities).

Policy Options:

1. Seek legislative exemptions from wetlands permitting requirements for certain activities (maintenance of water conveyances, construction or maintenance of access roads, operation and maintenance of reservoirs) and areas (groundwater recharge spreading areas constructed on uplands).
2. Obtain long-term (5 to 10 years) blanket permits for reasonably anticipated problem areas.
3. Continue to obtain permits for projects on a case-by-case basis.

Recommendation: Adopt policy options 1 and 2.

Board Committee Assignments

This letter is referred for action to:

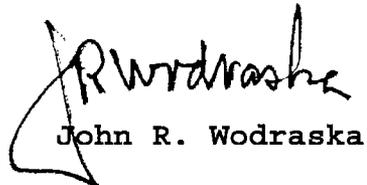
The Executive Committee because of its jurisdiction over legislation sponsored by the District or in any way affecting the District, pursuant to Administrative Code Section 2417(a); and

The Special Committee on Legislation because of its responsibility to review staff's recommendations for positions legislation, pursuant to Administrative Code Section 2581 (b).

Recommendation

EXECUTIVE COMMITTEE AND SPECIAL COMMITTEE ON LEGISLATION FOR ACTION.

It is recommended that your Board adopt legislative policy principles for wetlands as recommended above.


John R. Wodraska

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