



MWD

METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

9-14

May 27, 1997

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

From: General Manager Edward D. Measitt

Submitted by: Debra C. Man, Chief Debra C. Man
Planning and Resources

Subject: National Wetlands Coalition: Criteria for Maintaining Membership

RECOMMENDATION

For information only.

EXECUTIVE SUMMARY

In May 1997, your Board approved Metropolitan membership in the National Wetlands Coalition (NWC). Membership was determined to be advantageous to Metropolitan to assist with legislative advocacy so long as the NWC continues to stay with a moderated policy course. Presented herein are the policy criteria to be used to monitor the overall moderacy of the NWC and to determine appropriateness of Metropolitan's continued membership in the NWC.

DETAILED REPORT

In May 1997, your Board approved Metropolitan membership in the National Wetlands Coalition (NWC). Membership was determined to be advantageous to Metropolitan to assist with legislative advocacy so long as the NWC continues to stay with a moderated policy course. Presented herein are the policy criteria to be used to monitor the overall moderacy of the NWC and to determine appropriateness of Metropolitan's continued membership in the NWC. The following table presents key policy positions of the NWC with Metropolitan's criteria on each.

NWC Policy Positions for 1997	MWD Wetlands Policy Criteria
Wetlands delineation manual to be established through rulemaking with specific direction from Congress regarding wetlands definitions and with opportunity for Congress to reject the rule.	Support position that wetlands delineation manual be based on science, with appropriate consideration of regional differences and Congressional oversight to ensure workability of the manual.
Wetlands classification. Establish three classes of wetlands with strictness of regulatory standards diminishing with the value of the wetlands.	Support position that all wetlands impacts warrant mitigation, while sequencing of regulatory standards (avoidance, minimization, and lastly mitigation of impacts) would be applied only to more valuable wetlands. Support position that projects within valuable wetlands be water dependent unless the impact to the wetlands is unavoidable (e.g. linear projects).
Expand regulatory jurisdiction to include drainage, excavation, and channelization of wetlands. Reverses court decision striking down Tulloch rule but provides the notice and right of comment required for a proposed regulation.	Support position only if it includes explicit clarification that reservoir operations (e.g. cycling of reservoir storage, changes in downstream flows) do not constitute draining of wetlands and that such operations are in no way within the jurisdictional scope of Clean Water Act Section 404.
Exemptions/General Permits. Strengthen authority for general permits. Retain all new exemptions contained in legislation from 104th Congress.	Support position under the following conditions: (1) the supported exemptions include those proposed by Metropolitan; (2) the supported exemptions would not have an adverse effect on source water protection; and (3) that authority for general permits is extended broadly to any activity with no more than minimal impacts to waters of the United States.
Remove EPA's veto authority pursuant to Clean Water Act section 404(c) and for state permitting decisions when program is delegated.	Support position if EPA maintains ability to have formal input into Corps policy and permitting decisions.
Enhance the role of states and transfer regulatory program to states, where appropriate.	Support this position.
Clarify that section 404 does not apply to agricultural activities.	Support this position only to the extent that it does not have significant adverse effects on source water protection or does not significantly reduce protection of important wetland resources.
Procedural reform: include administrative appeal process in wetlands regulatory program.	Support this position.

NWC Policy Positions for 1997	MWD Wetlands Policy Criteria
Exemptions from wetlands regulations for Alaska and Louisiana.	No criteria proposed for this NWC position.
Support mitigation banking.	Support this position.
Recording of wetlands jurisdiction on county property records.	Support this position.
Private property rights: Takings claims to be filed in Federal district courts where property is located rather than in U.S. Claims Court.	Support property rights positions that rely on existing Constitutional protections and do not propose to create new property rights law.
Incentive Programs. Provide funding for acquisition of valuable wetlands or easements; provide tax incentives.	Support this position.

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