



News Advisory

Draft Procedures to Protect Environmentally Sensitive Waterways from Dredge and Fill Activities now Available

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The State Water Resources Control Board (State Water Board) released today a final draft of the [State Wetland Definition and Procedures for Discharges of Dredged or Fill Material to Waters of the State \(Procedures\)](#) intended to address environmentally sensitive undeveloped areas such as wetlands, streams and rivers, as well as bays and estuaries.

The draft procedures contain important enhancements designed to protect and enhance ecologically sensitive areas where water exists and bring consistency to regulatory efforts by the State Water Board and nine Regional Water Quality Control Boards (Water Boards collectively), while providing a common framework for monitoring and reporting water quality of remaining wetlands in California. As drafted, these Procedures clarify what is considered a wetland – and what is not.

Because of past land development, the state has lost nearly 90 percent of state wetlands, with as much as 95 percent of historic coastal wetlands now gone. These draft Procedures provide much needed protection for California's remaining wetlands. The draft Procedures are based in large part on the scientific documentation and conclusions supporting the existing US Army Corp of Engineers' definition of a wetland. In arid portions of the state, the State Water Board's proposed definition would protect non-vegetated wetlands (mudflats, playas, etc.) that otherwise would not be covered under federal jurisdiction. The State Water Board's proposed definition clarifies that vegetated and unvegetated wetlands be regulated in the same manner.

Waters of the state, are by definition, broader than water of the U.S. These draft procedures do not change that. These draft procedures will ensure that the water of the state will continue to be protected if the federal waters of the U.S. protections are limited.

In addition, the draft Procedures provide transparency and consistency in the regulation of dredged or fill material across the state.

As drafted, the Procedures will:

- Improve consistency across the State Water Board and the nine Regional Water Quality Control Boards in how discharges of dredged or fill material are monitored and protected.
- Streamline requirements to cover all waters of the state so both state and federal environmental concerns are addressed at once.



- Make environmental protections stronger,
- Ensure no overall net loss in quantity, quality, and sustainability of waters of the state, including wetlands.

The Procedures have two components that support each other. First, the Procedures propose a wetland definition, delineation procedures, and a jurisdictional framework applicable to all Water Board programs. Second, the Procedures clarify requirements for submittal and review of applications to discharge dredged or fill material to any water of the state.

Portions of the Procedures have been revised in response to public comments received on the draft that was released in July 2017.

Two stakeholder workshops are planned in 2019, a public staff workshop on Jan. 9 in San Diego, and a public Board workshop on Jan. 22 in Sacramento, to discuss the latest draft and answer questions. The State Water Board tentatively plans to consider adoption of the Procedures on Feb. 5 in Sacramento. Details for the meetings are [available here](#). A fact sheet is available [here \(under the Water Quality subhead\)](#).

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