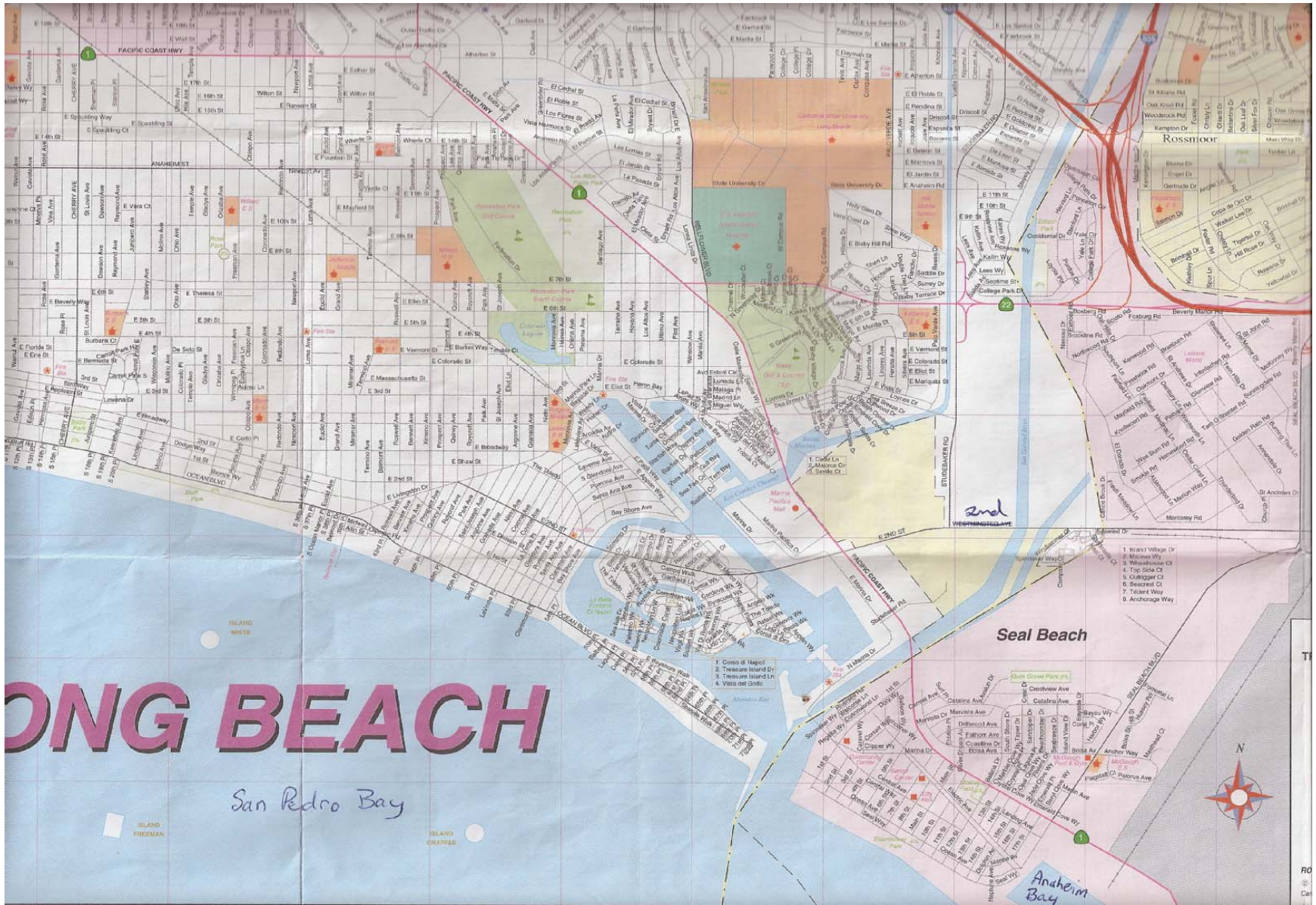


Application of Environmental Laws to the Los Cerritos Wetlands

Integrating Law, Policy, and
Economics – a case study



LONG BEACH

San Pedro Bay

ISLAND
FRIESMAN

ISLAND
CHAPMAN

- 1. Conco di Napoli
- 2. Treasure Island Dr
- 3. Treasure Island Dr
- 4. Vista del Golfo

Seal Beach

Anaheim Bay



RO
©

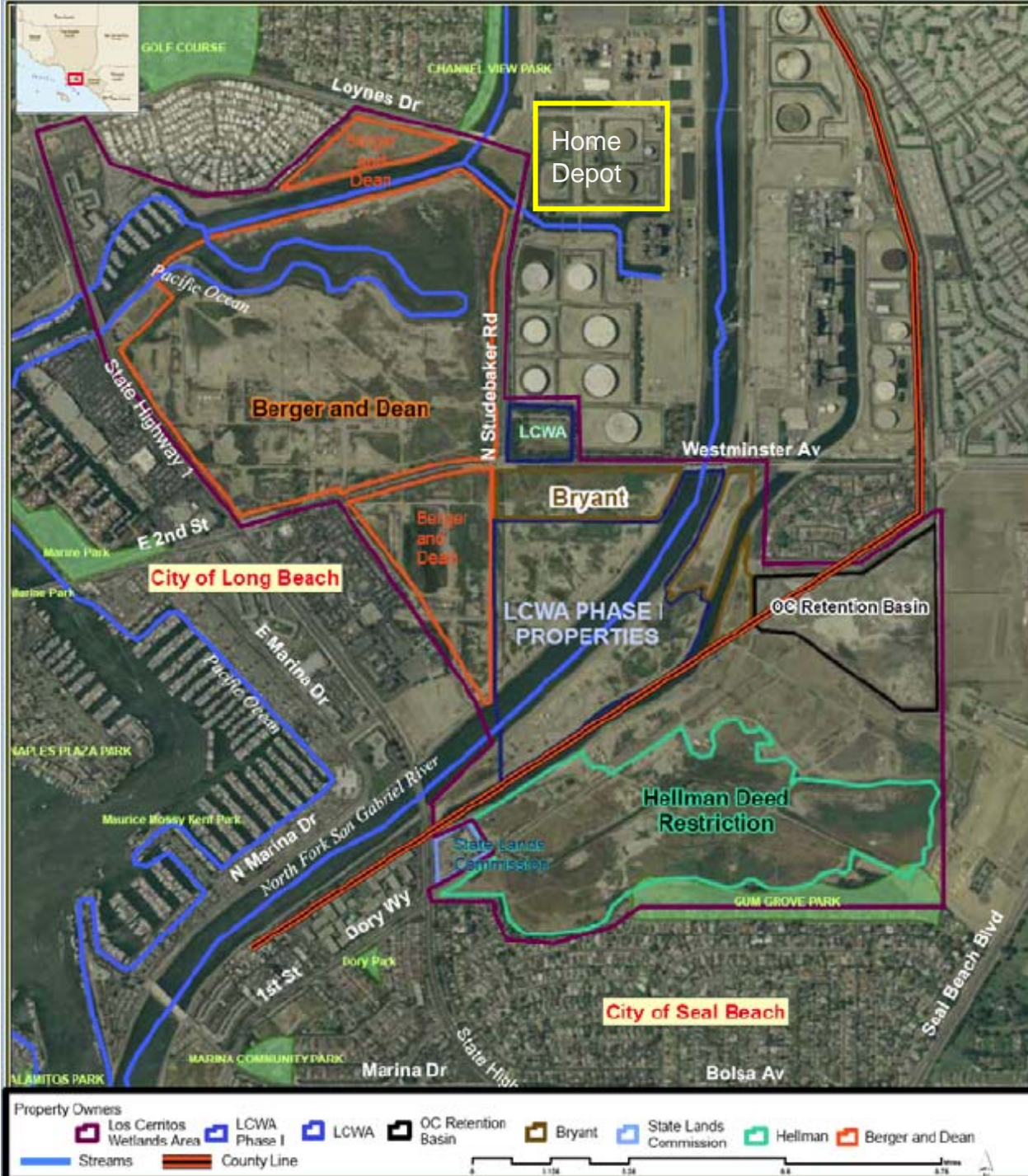


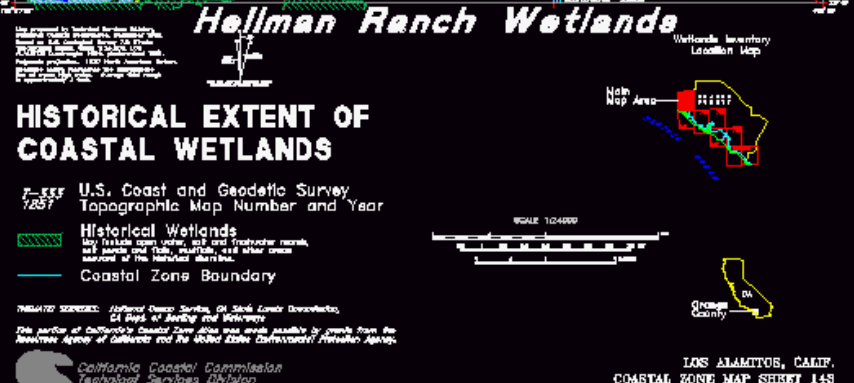
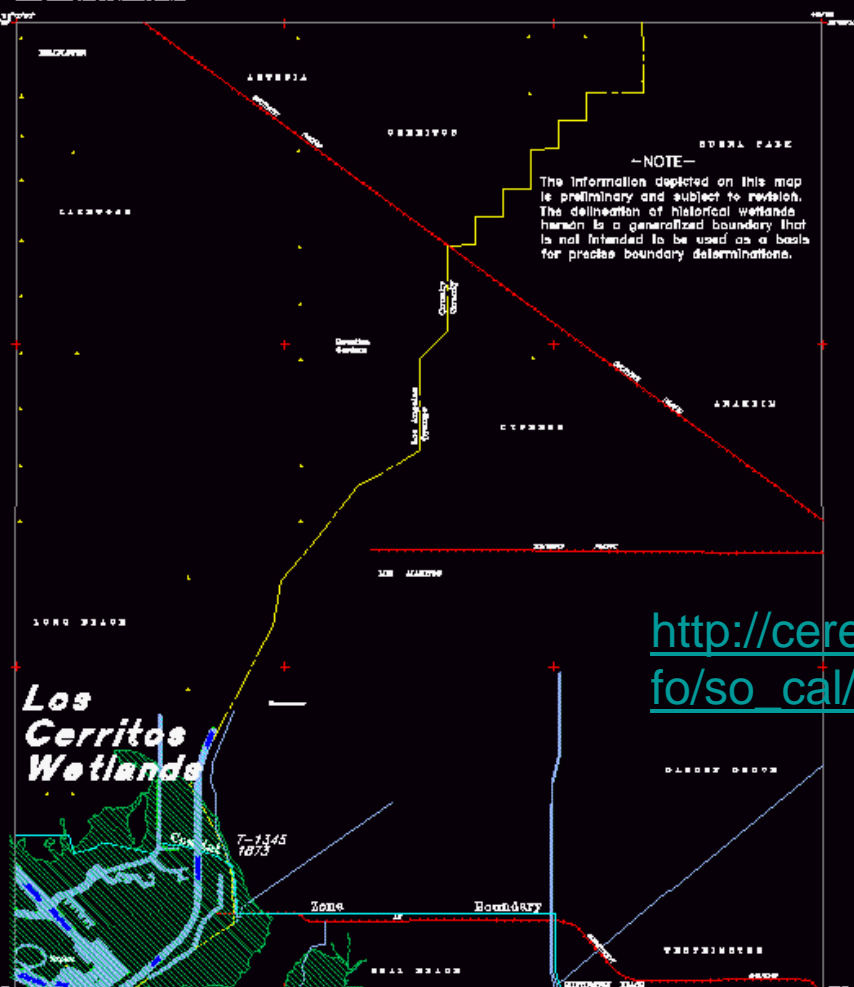
33°45'29.43" N 118°06'09.90" W

elev 2 m

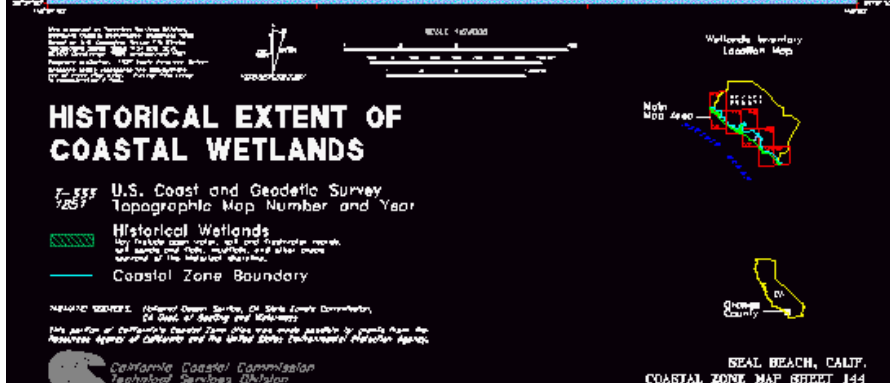
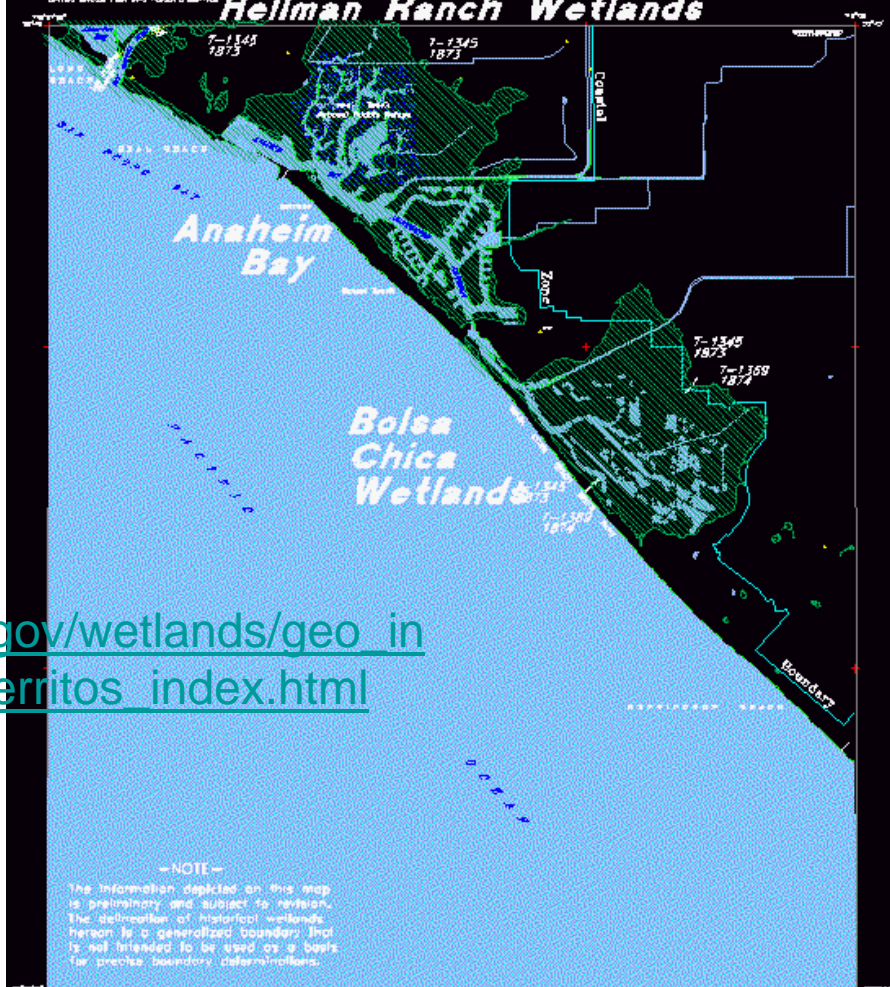
Jul 31, 2007

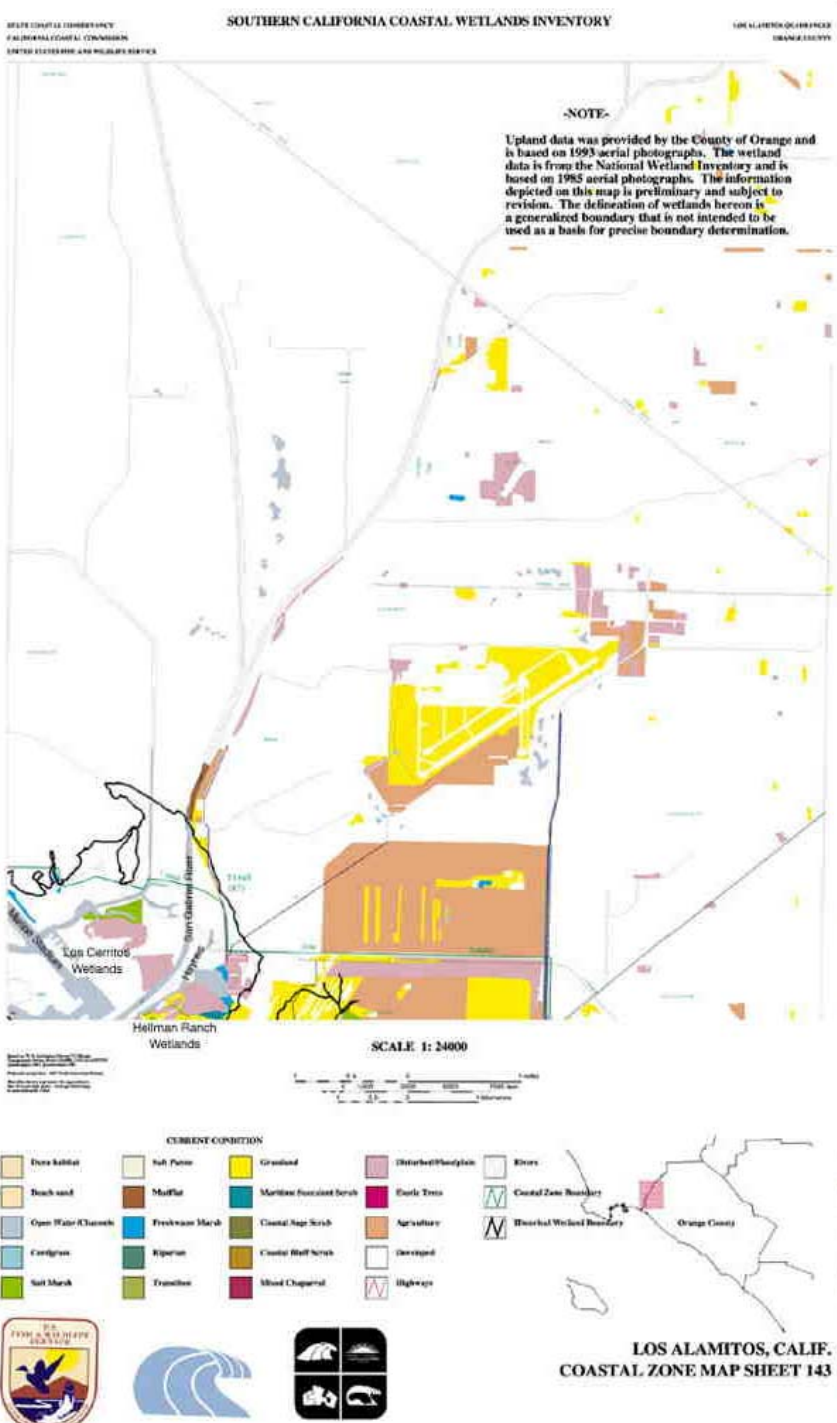
Eye alt 4.61 km





http://ceres.ca.gov/wetlands/geo_info/so_cal/los_cerritos_index.html





For more information go to

The City of Seal Beach website:

www.ci.seal-beach.ca.us

On RHS find search, then input:

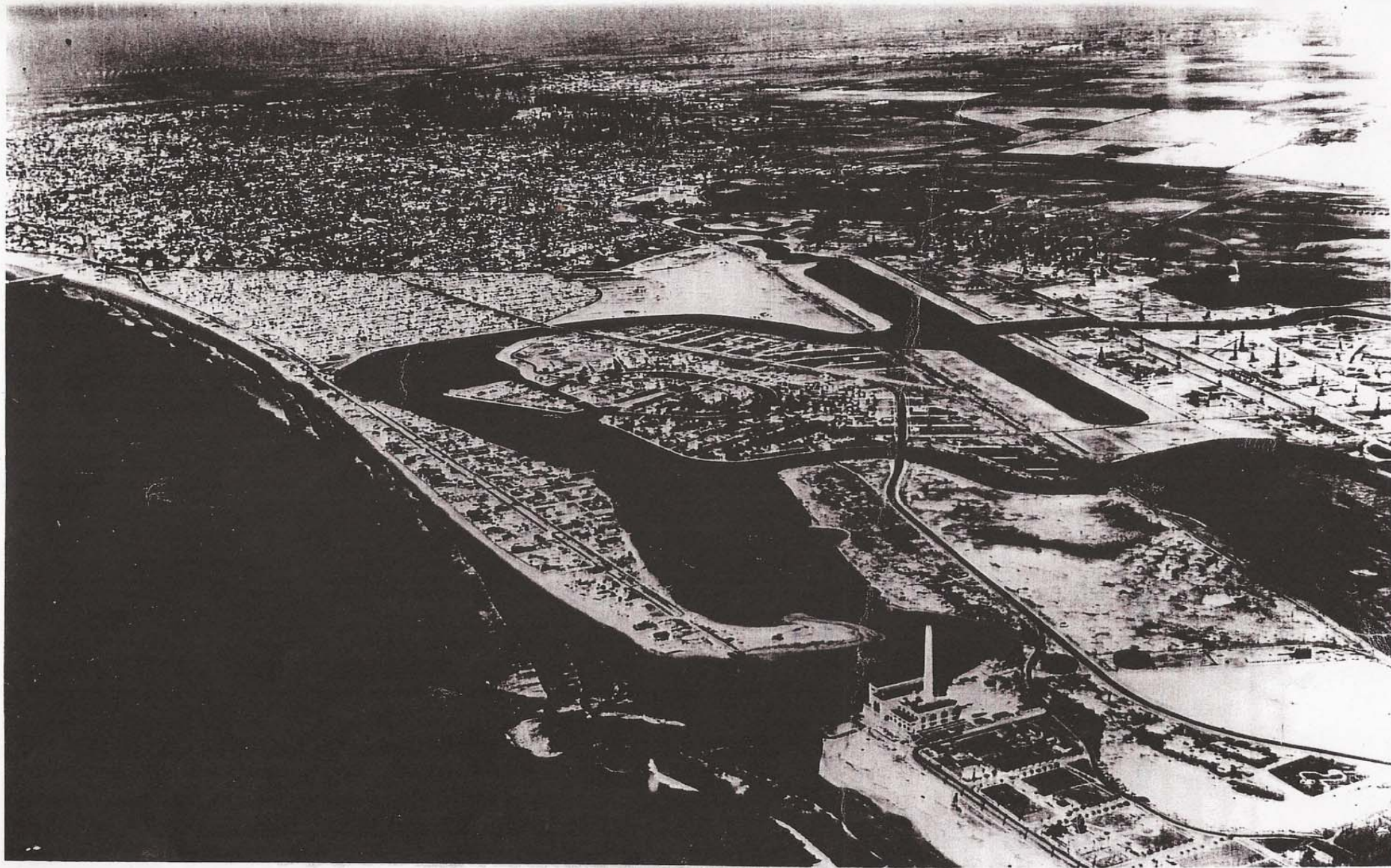
Hellman Wetlands







1927 ?



12-15-30

Supreme Court of California, In Bank. CITY OF LONG BEACH, Petitioner, v. John R. MANSELL, as City Manager, etc., et al., Respondents; The STATE of California et al., Real Parties in Interest. L.A. 29700. Nov. 9, 1970.

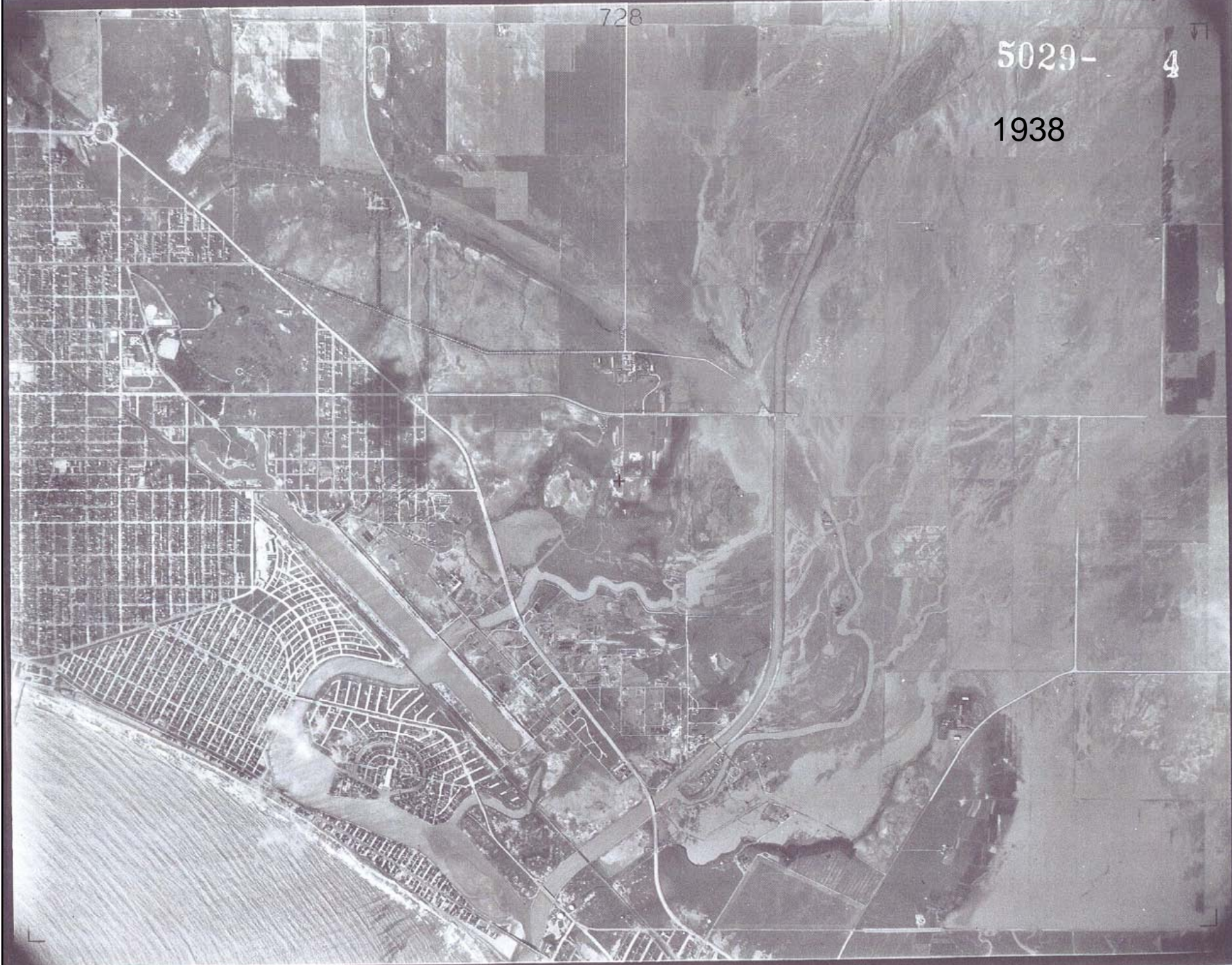
"Steamshovel Channel. In its natural state this 'channel' was a narrow slough extending in a general northerly direction from the main part of Alamitos Bay." p.13. Eric's home.

728

5029-

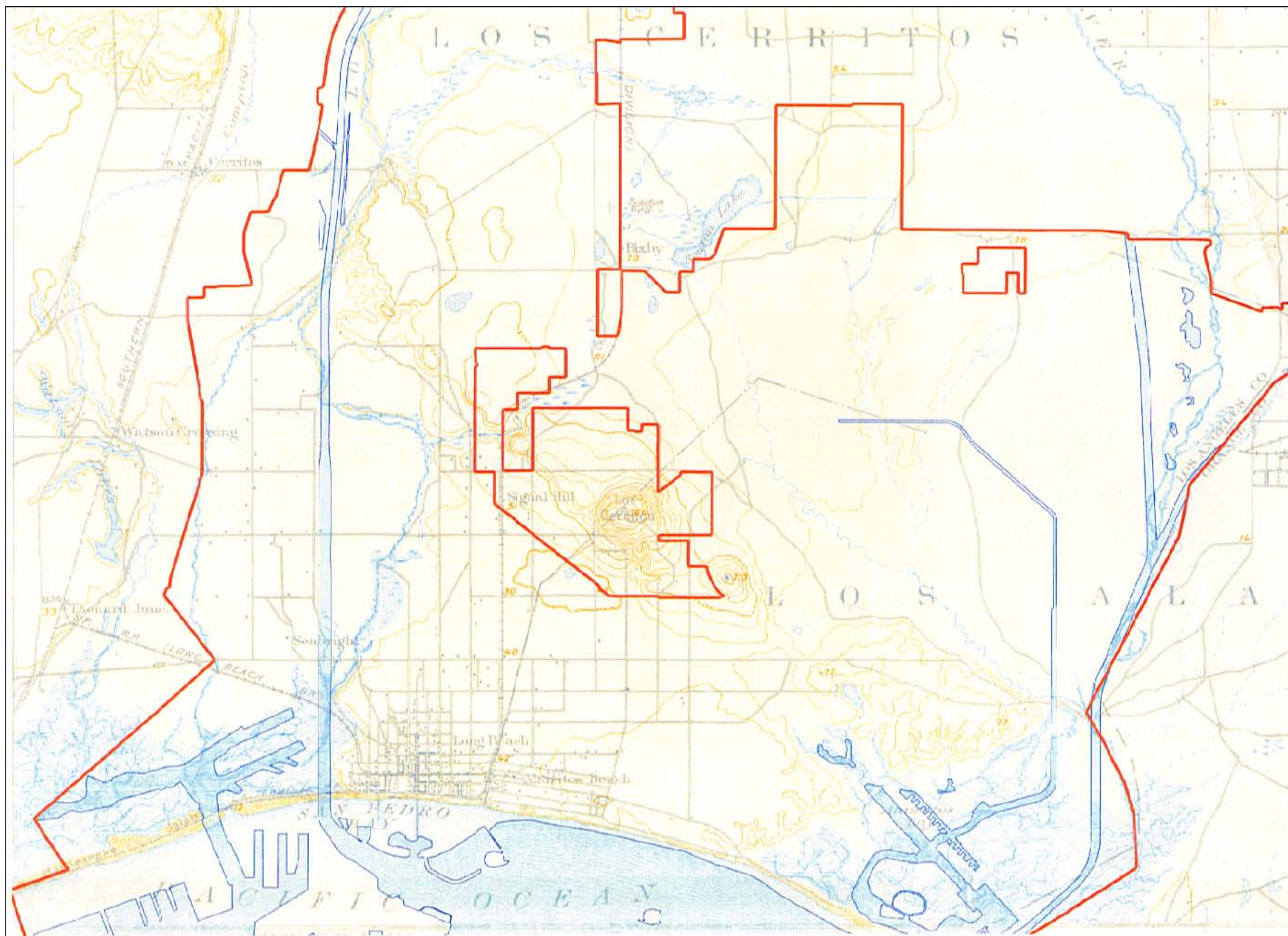
4

1938





1975



Wetlands

- Among the most productive ecosystems
- Food / Habitat / Reproduction at the base of the Food Chain~1/3 endangered/threatened species use wetlands as habitat; ~1/2 migratory birds use wetlands
- Water Quality Improvement (retain ~80% phosphorous, 89% nitrogen in run-off)
- Flood Protection (watersheds made of 30% or more wetlands lower flood levels 60-80%; Floods cause over \$4 billion damage/year)
- Shoreline Erosion
- Source of Natural Products
- Recreation incl bird-watching
- Nearly 90% wetlands in California are gone (S&T, p.266)
- Diamond-Water Paradox

Pillars of Wetland Law

Coastal Areas “Big Four”

1. U.S. Clean Water Act (CWA) 402: NPDES regulates discharges (flows into water) from point sources

- A. CWA 303 – TMDLs sets Beneficial uses and ambient concentration (stock) standards to protect uses. After application of CWA 301, if still unable to meet the standards, then state must engage in a continuous planning process (CPP).
- B. CWA 301: revise conditions for permits under 402 to meet the 303 standards.
- C. CWA 319: Nonpoint discharges (flows): (1) Identify nonpoint sources, (2) describe maximum extent practicable measures, (3) require BMPs at earliest practicable date, (4) prepare a management plan; EPA may do (1) if state fails to do so, but not (2) – (4) if the state does not.

2. CWA 404 – Wetlands

3. U.S. Endangered Species Act (ESA)

4. California Coastal Act

Plus common law:

5. The Public Trust Doctrine

Additional Laws

- <http://www.epa.gov/owow/laws.html>
- Convention for the Protection of Migratory Birds 1916, and the Migratory Bird Treaty Act MBTA (1918).
 - Treaties trump (Article VI, Constitution) State Constitutions and State Laws.
 - Article II Section 2, gives the President the power to make treaties with Senate consent, and
 - Article I, Section 8, the last clause gives Congress the power to make laws necessary to execute the powers granted in the Constitution)
- CWA 316: Thermal Discharges from Power Plants
- CWA 311: Discharges from Vessels & Oil Operations

California Coastal Act

- Division 20, para 30000 – 30988
- <http://www.coastal.ca.gov/ccatc.html>
<http://www.coastal.ca.gov/>
- 1972 (Proposition 20)
- Public Access to shore in case of any new development (30212)
- Protection of recreation use (30220)
- Protect, Restore, Enhance environment
- Coastal Zone (3 miles seaward – 500 yards to 5 miles inland, Section 30103)

California Coastal Act cont

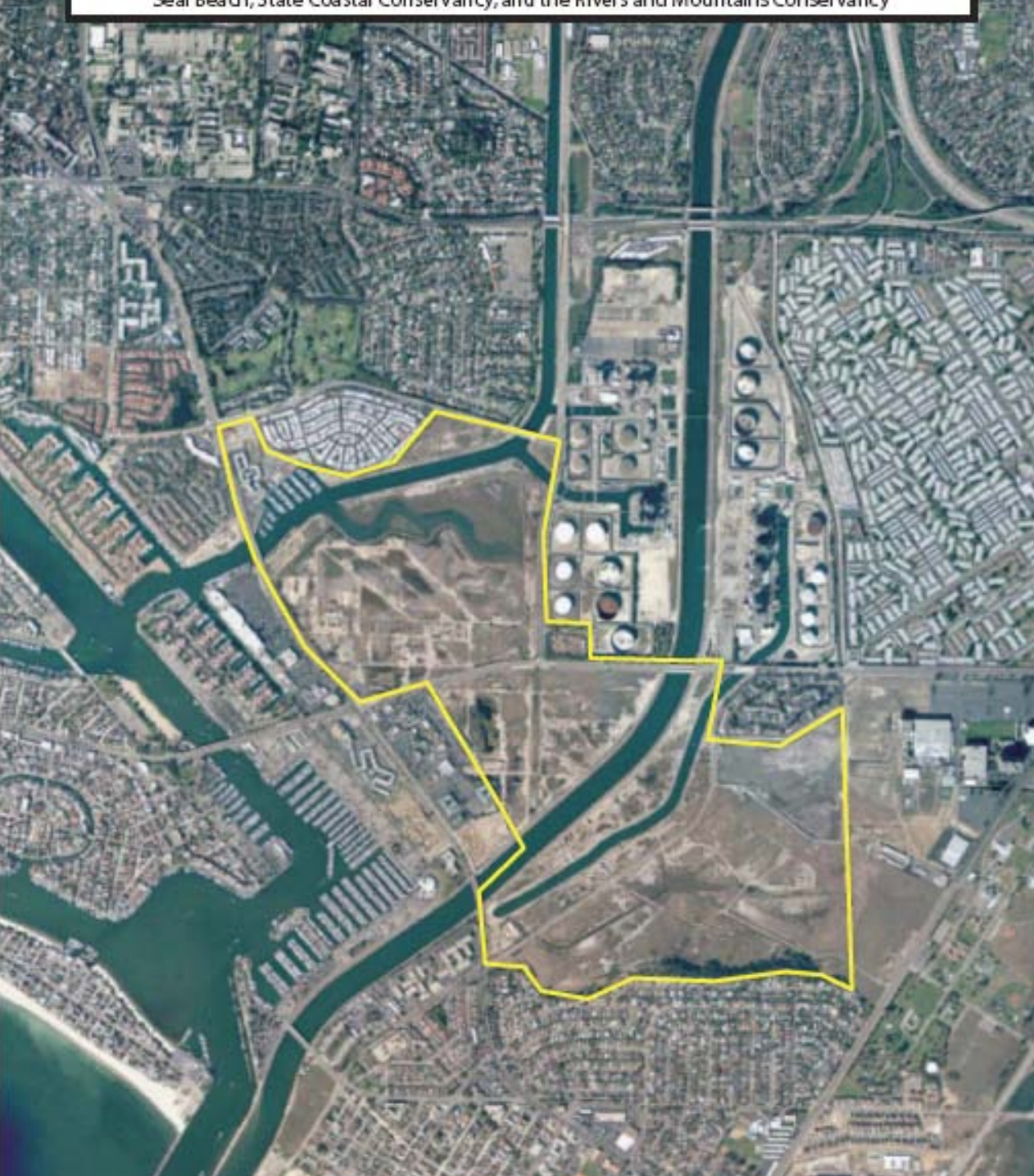
- Permit by California Coastal Commission (CCC) required to build (unless city has a Coastal Development Plan approved by CCC)
- Wetlands Standards
- Additional protection for ESAs (Environmentally Sensitive Areas – Los Cerritos is mapped) to protect habitat values.
- Permits only if coastal-dependent (like a marina, houses with docks)
- Def: 30121. "Wetland" means lands within the coastal zone which may be covered periodically or permanently with shallow water and include saltwater marshes, freshwater marshes, open or closed brackish water marshes, swamps, mudflats, and fens.
- **Additional Federal Law: The Coastal Zone Management Act Reauthorization Amendments**
<http://www.epa.gov/OWOW/NPS/coastnps.html> The CCC submits its plan to implement the CZMA, and once approved gives federal authority to the CCC for management of California coastal zone, including federal government lands in California on the coast. Example: Toll Rd Authority & San Onofre State Park

Other Laws

- <http://www.epa.gov/owow/laws.html>
- **Clean Water Act Section 319:** The [Nonpoint Source Program](http://www.epa.gov/owow/nps/cwact.html) (Section 319) requires States to develop nonpoint-source management programs. Nonpoint-source control plans can include State regulatory measures, but usually emphasize voluntary actions. <http://www.epa.gov/owow/nps/cwact.html>
- **CWA Section 311 - Oil:** Section (b)(2)(A) restricts the definition of hazardous materials to those that “present an *imminent and substantial* danger to the public health or welfare, including but not limited to fish, shellfish, wildlife, shorelines, and beaches.” (*italics added*). Section (b)(3) prohibits the discharge from vessels or onshore or offshore oil operations of oil or hazardous materials, and Section (b)(5) requires self reporting of any discharge to avoid prosecution. Section (b)(6) lays out classes of penalties, from fines to imprisonment.

Other Laws cont

- **Clean water Act Section 316: Thermal Discharges**
- <http://www.epa.gov/owow/laws.html>
- CWA 316(a) “the Administrator (or, if appropriate, the State) may impose an effluent limitation ... with respect to the thermal component of such discharge (taking into account the interaction of such thermal component with other pollutants), that will assure the protection and propagation of a balanced, indigenous population of shellfish, fish, and wildlife in and on that body of water.”
- CWA 316(b) “the location, design, construction, and capacity of cooling water intake structures reflect the best technology available for minimizing adverse environmental impact.”
- **Safe Drinking Water Act:**
<http://www.epa.gov/safewater/sdwa/>
- **The Coastal Zone Management Act Reauthorization Amendments**
<http://www.epa.gov/OWOW/NPS/coastnps.html>



This is an older map of the Los Cerritos Wetlands Authority.

The physical features and biological habitat varies throughout the LCWA study site both geographically and temporally. What are the most significant physical features and biological forms that determine how the land may be used by its owners? For each physical feature and biological form you mention, which laws (sections of laws) restrict use?



Tom Dean

Tom Dean

Bixby
Tom Dean

Southern California
Edison, Offer to
Dedicate

Tom Dean
Bixby

Bryant

LCWA Phase I
Acquisition Area

Bryant
Bryant

OC Retention Basin

Hellman Deed
Restriction

State Lands
Commission



The boundaries of the Tom Dean property are drawn above showing that their land includes the Steam Shovel Slough.

Does Tom Dean (previously Bixby) own the Slough? Explain the legal basis for your answer.

© 2009 Tele Atlas

© 2008



The boundaries of the Tom Dean property are drawn above showing that their land includes the Steam Shovel Slough.

Does Tom Dean (previously Bixby) own the Slough? Explain the legal basis for your answer.

© 2009 Tele Atlas

© 2008

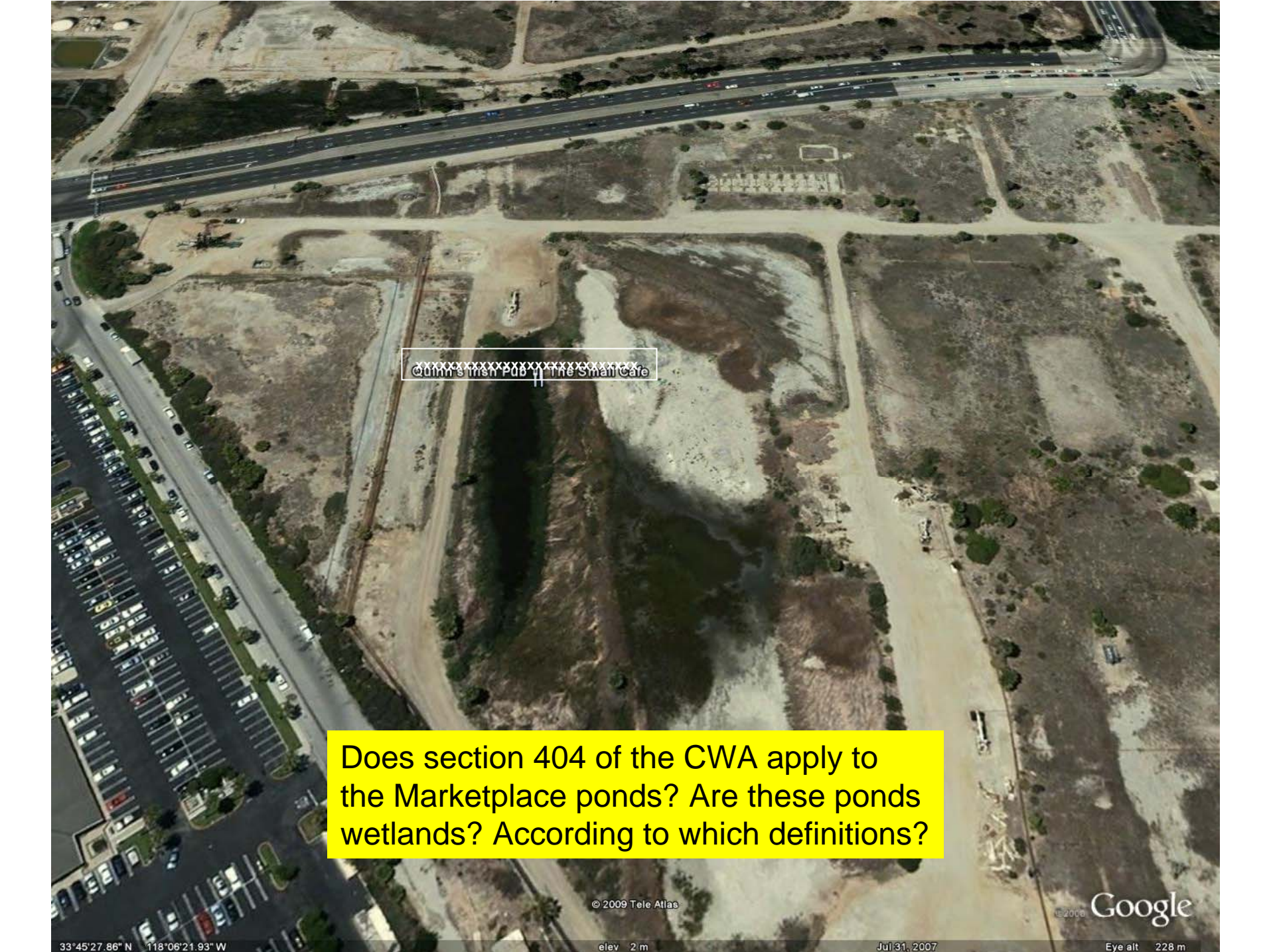


On the Tom Dean property adjacent to the slough, do you see any wetlands? Ditches or pipes? Oil operations?



Do you see any ditches or pipes? Why would it matter under the law(s)? Which one(s)? What could the hydrology/soil team do to contribute to the law/policy that affects restrictions on use of the property?

2006, Landsmann, [IIRMES Report.doc](#) Beachboard, Previous reports, Environmental Chemistry and Hydrology.

An aerial photograph showing a landscape with a multi-lane road at the top, a large parking lot on the left, and a central area with a wetland or pond. A white box with a dashed border is placed over the wetland area, containing the text 'Quinn's Irish Pub & The Small Cafe'. The terrain is a mix of dry, brownish ground and some green vegetation.

Quinn's Irish Pub & The Small Cafe

Does section 404 of the CWA apply to the Marketplace ponds? Are these ponds wetlands? According to which definitions?



Strip Mall

Mall

Restrault

What if Bryant Ranch wants to build a strip mall on 2nd Street?
More houses east of the Haynes cooling channel?
A restaurant in-between the cooling channel and the river?



Hellman Deed Restricted Property

Does the deed restriction have a time limit?
Does it matter?

Issues in Application of Laws

Separate Definitions of “Wetlands”

- Army Corp under CWA 404, relates to navigability
- EPA under CWA 402, relates to navigability
- U.S. Fish & Wildlife Service definition:
<http://criticalhabitat.fws.gov/>
- Current issue: ephemeral – see U.S. Supreme Ct decision, Rapanos 2006
- California Resources Agency, California Dept Fish and Game under CEQA
- California Coastal Commission under California Coastal Act

Separate Definitions of “Wetlands” continued

- Treaties trump state laws regarding the location of a Wetland, irrespective of Commerce Clause constraint, and how ephemeral was adjudicated by the Supreme Court in 2006.
- Pre-emption of definitions: Clean Water Act lets states set higher standards. In California, the California Water Resources Control Board implements CWA 402 under agreement with EPA

Specific Application to Los Cerritos

Wetlands:

- Under CWA 303, the LARWQCB lists Los Cerritos Channel (not slough) as impaired for
 - Ammonia
 - Metals [copper (in tissue, from brakes, tires), lead (in sediment, from jet fuel?), zinc (in sediment, from brakes)]
 - Chlordane (in sediment, from past use)
 - Coliform
- so TMDLs will be set, scheduled for 2010. See: <http://www.waterboards.ca.gov/losangeles/> and search for regional programs, Los Cerritos Water Management Area

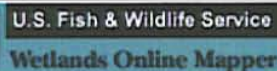
Specific Application to Los Cerritos

Wetlands: continued

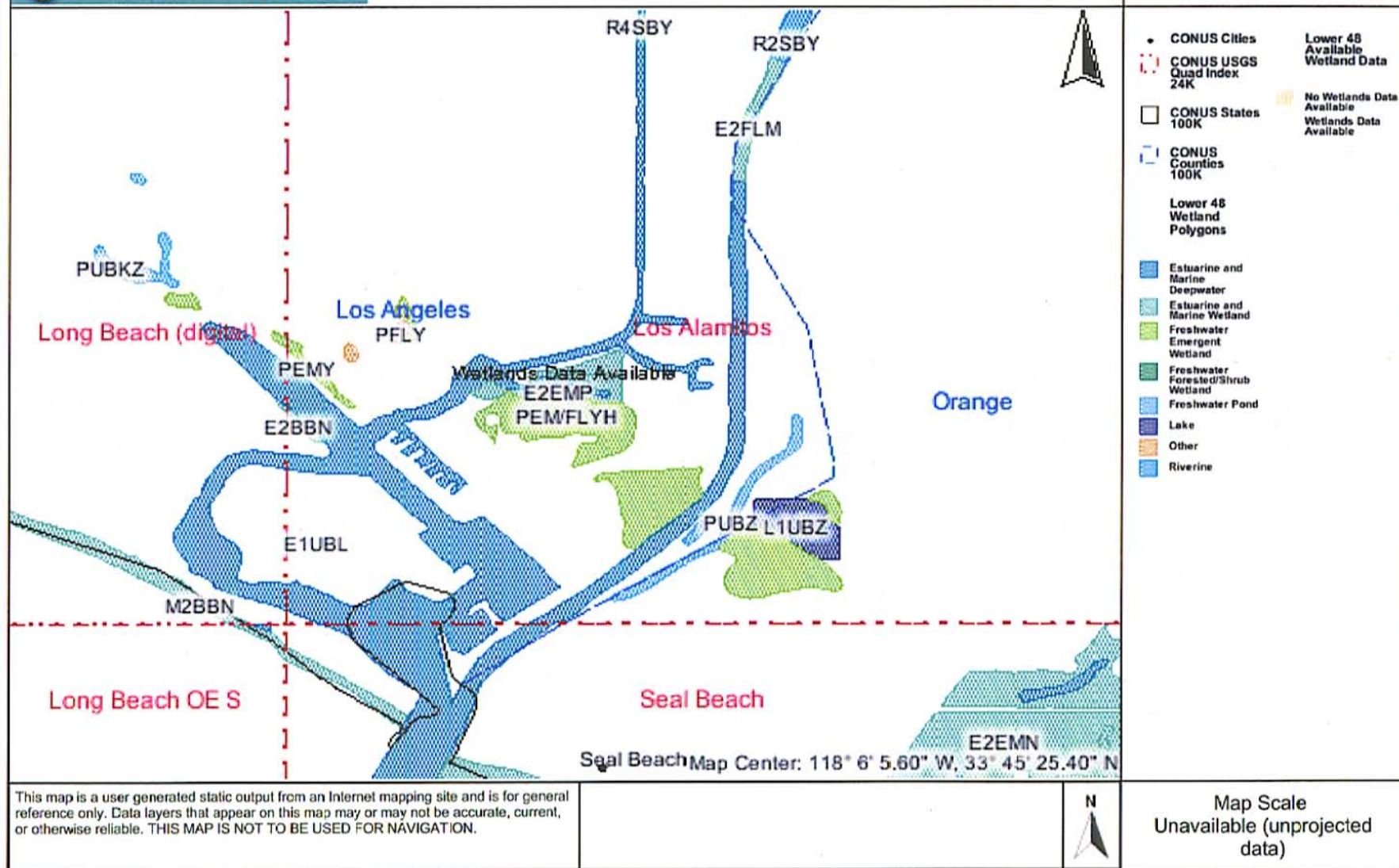
- Under CWA 404, the “the salt water marsh” adjacent to the Bahia Marina is clearly navigable since it is tidally connected to the marina. In addition, the US Fish and Wildlife Agency (at www.fws.gov, go to endangered species, and go to wetlands) map <http://criticalhabitat.fws.gov/> shows Steam-shovel Slough as a wetlands, and shows emergent wetlands adjacent to the Slough in Tom Dean (formerly Bixby), as well as emergent wetlands in Bryant West of the River and in Hellman.

US Fish and Wildlife Map

- USFWS
- Branch of Habitat Assessment
- National Wetlands Inventory
- **Wetlands Digital Data**
- **Build, search, query, and download custom digital maps and data in the area you choose:**
- <http://wetlandsfws.er.usgs.gov/NWI/index.html>
- <http://wetlandsfws.er.usgs.gov/wtlnds/launch.html>

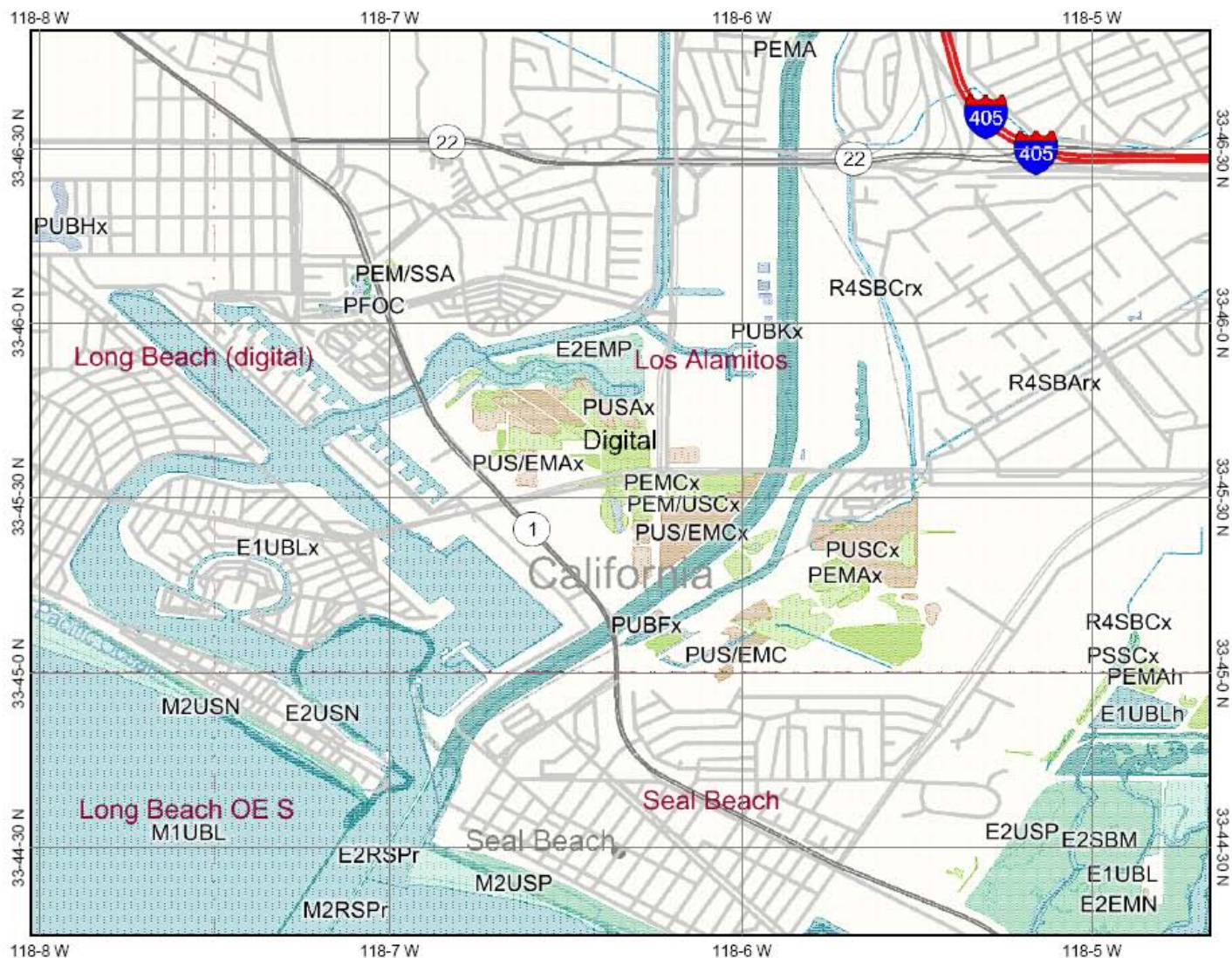


U.S. Fish and Wildlife Service



Former Councilman Collona's plan to extend Studebaker to relieve traffic at 2nd and PCH would allow a project at that intersection, but require a road through where? And a permit from what Agency?

Los Cerritos Area Wetlands Map



Legend

CONUS_wet_scan

- 0
- 1
- Out of range
- Interstate
- Major Roads
- Other Road
- Interstate
- State highway
- US highway
- Roads
- Cities
- USGS Quad Index 24K
- Lower 48 Wetland Polygons
- Estuarine and Marine Deepwater
- Estuarine and Marine Wetland
- Freshwater Emergent Wetland
- Freshwater Forested/Shrub Wetland
- Freshwater Pond
- Lake
- Other
- Riverine
- Lower 48 Available Wetland Data
- Non-Digital
- Digital
- No Data
- Scan
- NHD Streams
- Counties 100K
- Urban Areas 300K
- States 100K
- South America



Scale: 1:44,731

Map center: 33° 45' 33" N, 118° 6' 21" W

This map is a user generated static output from an Internet mapping site and is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION.

Specific Application to Los Cerritos Wetlands: continued

- Endangered Species Act – The following are endangered species, also any migratory birds covered in the Migratory Bird Treaty Act that stopover at the Los Cerritos Wetlands, and for both groups, no taking is allowed:
 - Pelican, brown except U.S. Atlantic coast, FL, AL
 - Plover, western snowy Pacific coastal pop.
 - Tern, California least
 - Vireo, least Bell's
 - Various clapper Rails

Specific Application to Los Cerritos

Wetlands: continued

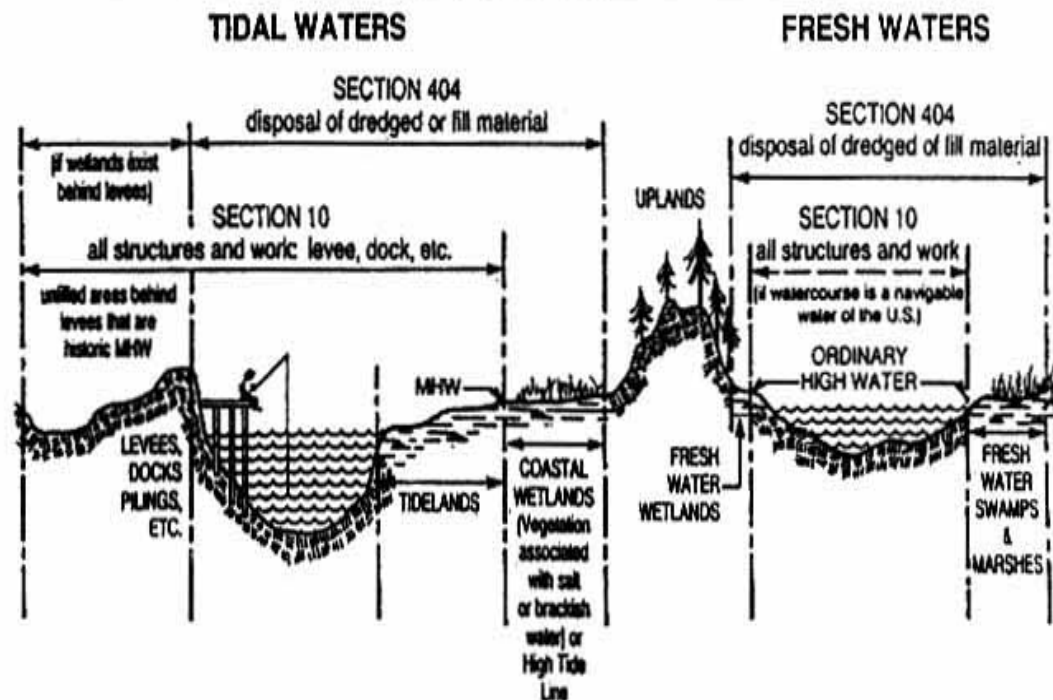
- California Coastal Act
 - Wetland definition applies
 - Access provisions of Coastal Act
 - Approval for development by CCC
 - In Environmentally Sensitive Areas, only Coastal dependent development is permitted
- Public Trust Doctrine
 - California Supreme Court 1970 ruling applies
 - Federal Courts
 - US Supreme Court
- http://ecos.fws.gov/tess_public/servlet/gov.doi.tess_public.servlets.UsaLists?state=all

PROCEDURAL GUIDANCE FOR THE REVIEW OF WETLAND PROJECTS IN CALIFORNIA'S COASTAL ZONE

- I. The ACOE definition (Environmental Laboratory, 1987) reads as follows:
- *The following definition, diagnostic environmental characteristics, and technical approach comprise a guideline for the identification and delineation of wetlands.*
- *a. Definition: The ACOE (Federal Register, Section 328.3(b), 1991) and the EPA (Federal Register, Section 230.4(t), 1991) jointly define wetlands as: Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.*
- *b. Diagnostic environmental characteristics: Wetlands have the following general diagnostic environmental characteristics:*
- *Vegetation: The prevalent vegetation consists of macrophytes that are typically adapted to areas having hydrologic and soil conditions described in (a) above. Hydrophytic species, due to morphological, physiological, and/or reproductive adaptation(s), have the ability to grow, effectively compete, reproduce, and/or persist in anaerobic soil conditions.*
- *Soil: Soils are present and have been classified as hydric, or they possess characteristics that are associated with reducing soil conditions.*
- *Hydrology: The area is inundated either permanently, or periodically at mean water depths < 6.6 ft. (~ 2 m), or the soil is saturated to the surface at some time during the growing season of the prevalent vegetation. The period of inundation or soil saturation varies according to the hydrologic/soil moisture regime and occurs in both tidal and non-tidal situations*
- *c. Technical approach for the identification and delineation of wetlands: Except in certain situations defined in this manual, evidence of a minimum of one positive wetland indicator from each parameter (hydrology, soil, and vegetation) must be found in order to make a positive wetland determination.*
- Figure 4 presents a cross-sectional diagram of the areas and habitats under ACOE jurisdiction, and under which this definition applies.

FIGURE 4

Scope of Corps Regulatory Jurisdiction



U.S. Army Corps
of Engineers
San Francisco District

NOTE:
IN ADDITION TO SECTIONS 10 AND 404 JURISDICTIONS,
THE CORPS REGULATES THE TRANSPORTATION OF
DREDGED MATERIAL FOR THE PURPOSE OF DISPOSING
INTO OCEAN WATERS (SECTION 103).

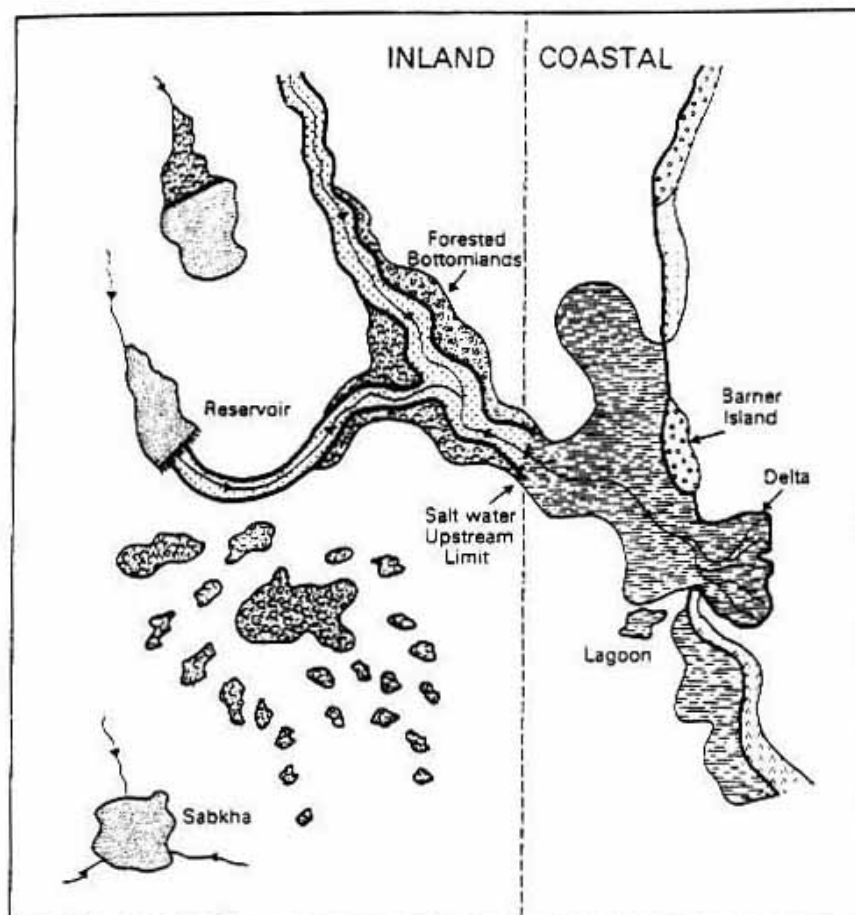


Regulatory Functions Branch
U. S. Army Corps of Engineers
211 Main Street
San Francisco, CA 94105

Fish and Wildlife Definition

- II. Like the ACOE definition, the FWS definition (Cowardin, et al., 1979) of a wetland incorporates the three key parameters of hydrophytic vegetation, hydric soils, and hydrology:
- *Wetlands are lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. For purposes of this classification wetlands must have one or more of the following three attributes: (1) at least periodically, the land supports predominantly¹⁶ hydrophytes; (2) the substrate is predominantly undrained hydric soil; and (3) the substrate is nonsoil and is saturated with water or covered by shallow water at some time during the growing season of each year.*
- The FWS classification system is hierarchical, progressing from broad system descriptors to very specific modifiers for water regime, water chemistry, and soils (Cowardin, et al., 1979). Wetlands within each system share similar physical, chemical, and biological characteristics. The systems consist of the coastal wetlands which include marine and estuarine wetlands, and the interior wetlands which include riverine, lacustrine (lakes), and palustrine (marsh) wetlands (Figure 5 illustrates these systems diagrammatically).

FIGURE 5—Diagram Illustrating Major Wetland Systems



Systems

Marine, Rocky

Marine, Intertidal

Estuarine

Riverine

Lacustrine

Palustrine

Boundaries

<http://www.coastal.ca.gov/wetrev/wetttitle.html>

California Dept Fish & Game Definition

- III. In the California coastal zone , the California Coastal Commission (CCC), with the assistance of the Department of Fish and Game (DFG) is responsible for determining the presence of wetlands subject to regulation under the California Coastal Act. The DFG essentially relies on the FWS wetland definition and classification system, ... except one important difference ... is that the DFG only requires the presence of **one** attribute (e.g., hydrology, hydric soils, or hydrophytic vegetation) for an area to qualify as a wetland (Environmental Services Division, 1987).

California Coastal Act and Commission

IV. Section 30121 of the California Coastal Act (1976), the statute governing the CCC, has an exceptionally broad definition for a wetland:

- *Wetland means lands within the coastal zone which may be covered periodically or permanently with shallow water and include saltwater marshes, freshwater marshes, open or closed brackish water marshes, swamps, mudflats, or fens.*

CCC Administrative Regulations (Section 13577 (b)) more explicit:

- *Wetlands are lands 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 those types of wetlands where vegetation is lacking and soil is poorly developed or absent as a result of frequent or drastic fluctuations of surface water levels, wave action, water flow, turbidity or high concentrations of salt or other substance 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 wetlands or deepwater habitats.*

Hydric Soils

- hydric soils are those soils that are sufficiently wet in the upper part to develop anaerobic conditions during the growing season. <http://soils.usda.gov/use/hydric/>

Los Angeles County,
CA, Southeastern Part
(CA696): This soil
survey area has no soil
data available.



Map Unit Symbol	Map Unit Name Area of Interest (AOI)	Acres in AOI / Hydric	% of AOI
100	ALO CLAY, 9 TO 15 PERCENT SLOPES	61.2	14.9%
112	BALCOM CLAY LOAM, 15 TO 30 PERCENT SLOPES	6.8	1.6%
123	BOLSA SILT LOAM, DRAINED	54.0	13.2%
124	BOLSA SILTY CLAY LOAM	80.5	19.6%
125	BOLSA SILTY CLAY LOAM, DRAINED	149.5	36.4%
162	MARINA LOAMY SAND, 2 TO 9 PERCENT SLOPES	0.2	0.1%
173	MYFORD SANDY LOAM, 2 TO 9 PERCENT SLOPES	32.4	7.9%
175	MYFORD SANDY LOAM, 9 TO 15 PERCENT SLOPES	25.7 partially hydric	6.3%
	Totals for AOI	410.3	100%

This rating indicates the proportion of map units that meets the criteria for hydric soils. Map units are composed of one or more map unit components or soil types, each of which is rated as hydric soil or not hydric. Map units that are made up dominantly of hydric soils may have small areas of minor nonhydric components in the higher positions on the landform, and map units that are made up dominantly of nonhydric soils may have small areas of minor hydric components in the lower positions on the landform. Each map unit is designated as "all hydric," "partially hydric," "not hydric," or "unknown hydric," depending on the rating of its respective components.

"All hydric" means that all components listed for a given map unit are rated as being hydric, while "not hydric" means that all components are rated as not hydric. "Partially hydric" means that at least one component of the map unit is rated as hydric, and at least one component is rated as not hydric. "Unknown hydric" indicates that at least one component is not rated so a definitive rating for the map unit cannot be made.

Hydric soils are defined by the National Technical Committee for Hydric Soils (NTCHS) as soils that formed under conditions of saturation, flooding, or ponding long enough during the growing season to develop anaerobic conditions in the upper part (Federal Register, 1994). Under natural conditions, these soils are either saturated or inundated long enough during the growing season to support the growth and reproduction of hydrophytic vegetation.

The NTCHS definition identifies general soil properties that are associated with wetness. In order to determine whether a specific soil is a hydric soil or nonhydric soil, however, more specific information, such as information about the depth and duration of the water table, is needed. Thus, criteria that identify those estimated soil properties unique to hydric soils have been established (Federal Register, 2002). These criteria are used to identify map unit components that normally are associated with wetlands. The criteria used are selected estimated soil properties that are described in "Soil Taxonomy" (Soil Survey Staff, 1999) and "Keys to Soil Taxonomy" (Soil Survey Staff, 2006) and in the "Soil Survey Manual" (Soil Survey Division Staff, 1993).

If soils are wet enough for a long enough period of time to be considered hydric, they should exhibit certain properties that can be easily observed in the field. These visible properties are indicators of hydric soils. The indicators used to make onsite determinations of hydric soils are specified in "Field Indicators of Hydric Soils in the United States" (Hurt and Vasilas, 2006).

References:

Federal Register. July 13, 1994. Changes in hydric soils of the United States.

Federal Register. September 18, 2002. Hydric soils of the United States.

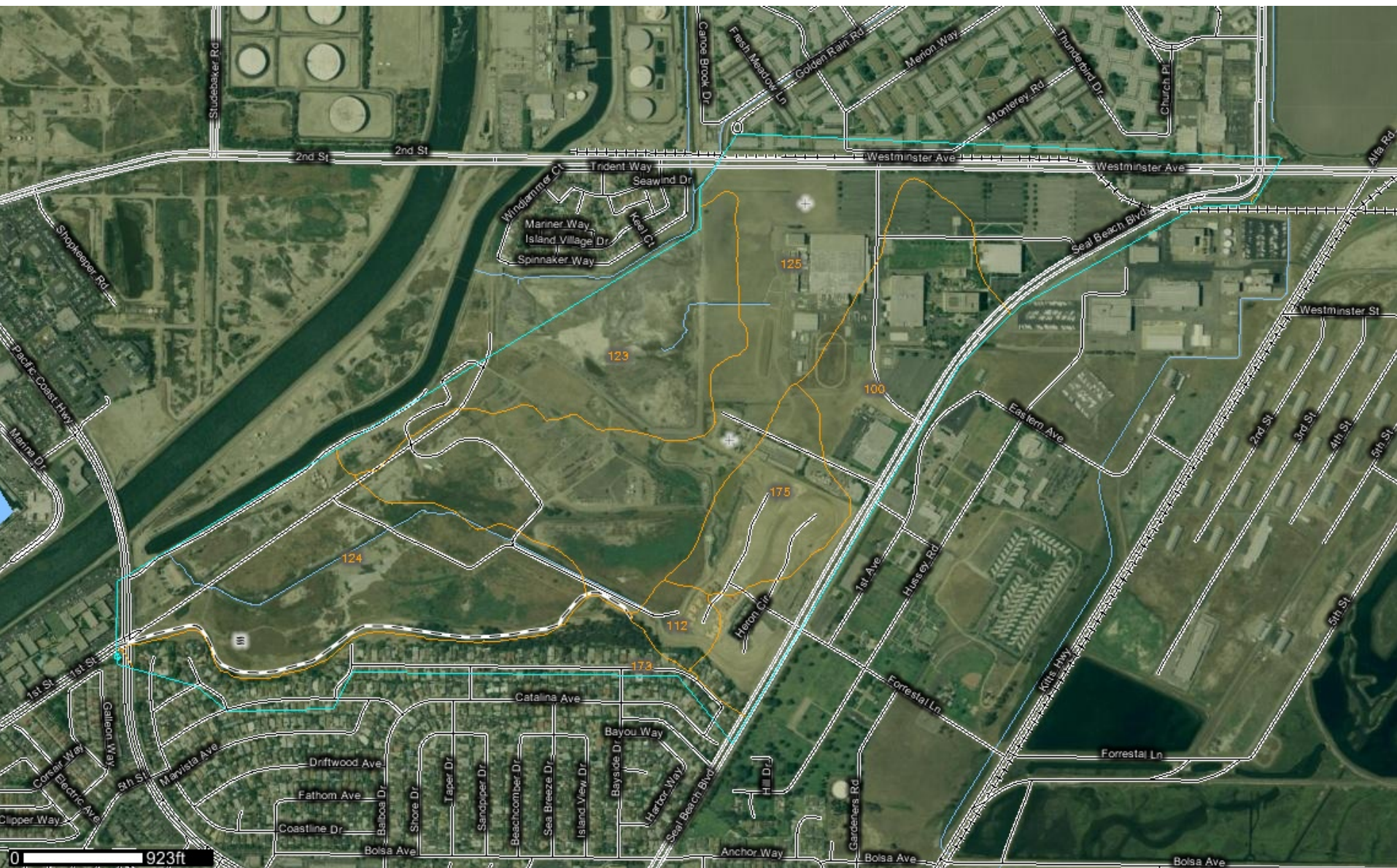
Hurt, G.W., and L.M. Vasilas, editors. Version 6.0, 2006. Field indicators of hydric soils in the United States.

Soil Survey Division Staff. 1993. Soil survey manual. Soil Conservation Service. U.S. Department of Agriculture Handbook 18.

Soil Survey Staff. 1999. Soil taxonomy: A basic system of soil classification for making and interpreting soil surveys. 2nd edition.

Natural Resources Conservation Service. U.S. Department of Agriculture Handbook 436.

Soil Survey Staff. 2006. Keys to soil taxonomy. 10th edition. U.S. Department of Agriculture, Natural Resources Conservation Service.











See where the Bryant and Tom Dean (formerly Bixby) properties are divided by a channel that drains to a pipe outfall to the SG River (extending Studebaker from 2nd St. to the River).

Section 30233(a) of the CA Coastal Act

- *The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible²⁴ less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:*
- *(1) New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities.*
- *(2) Maintaining existing, or restoring previously dredged depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.*
- *(3) In wetland areas only, entrance channels for new or expanded boating facilities; and in a degraded wetland, identified by the Department of Fish and Game pursuant to subdivision (b) of Section 30411, for boating facilities if, in conjunction with such boating facilities, a substantial portion of the degraded wetland is restored and maintained as a biologically productive wetland. The size of the wetland area used for boating facilities, including berthing space, turning basins, necessary navigation channels, and any necessary support service facilities, shall not exceed 25 percent of the degraded wetland.*
- *(4) In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities.*
- *(5) Incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake or outfall lines.*
- *(6) Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.*
- *(7) Restoration purposes.*
- *(8) Nature study, aquaculture, or similar resource dependent activities.*

<http://www.coastal.ca.gov/wetrev/wetttitle.html>

Mitigation, No Net Loss & Degraded Wetlands

- Mitigating for wetland losses is frequently required in conjunction with coastal development permits granted under Section 30233. Most commonly, these projects involve compensatory mitigation. Both in-kind mitigation and out-of-kind mitigation are used. Coastal Act Section 30607.1 contains some of the most explicit language regarding mitigation for wetland development projects, and states in part:
- *Where any dike and fill development is permitted in wetlands in conformity with Section 30233 or other applicable policies set forth in this division, mitigation measures shall include, at a minimum, either acquisition of equivalent areas of equal or greater biological productivity or opening up equivalent areas to tidal action; provided, however, that if no appropriate restoration site is available, an in-lieu fee sufficient to provide an area of equivalent productive value or surface areas shall be dedicated to an appropriate public agency or the replacement site shall be purchased before the dike or fill development may proceed...*
- *One interpretation suggests Section 30607.1 sanctions acquisition of an existing wetland as acceptable mitigation for an allowable wetland development project. However, such an approach would lead to a net loss of wetland area. In practice, the CCC has interpreted the phrase "at a minimum" to require inclusion of a restoration component in any acquisition plan in order to avoid the net loss of wetland area.*
- *Section 30411 establishes the DFG as the lead agency charged with the study and identification of degraded wetlands, and provides general guidelines for classifying a wetland as degraded. However, the ecological complexity of wetlands and the lack of a single definition limits the degree of certainty with which these determinations can be made. The DFG has described its process for determining if a wetland is in fact degraded (for example see, DFG, 1981).*

Local Coastal Plan

- Section 30004(a) of the Coastal Act states:
- *To achieve maximum responsiveness to local conditions, accountability, and public accessibility, it is necessary to rely heavily on local government and local land use planning procedures and enforcement.*
- *the Coastal Act directs each of the 73 cities and counties lying wholly or partly within the coastal zone to prepare a Local Coastal Plan (LCP) for CCC review and certification*²⁹

LCP Status South Coast Area As of July 1, 2007

Legend

- County LCP Effectively Certified
- City LCP Effectively Certified
- City LUP Effectively Certified
- No LCP/LUP Effectively Certified
- Area of Deferred Certification

- Los Angeles County
(2 of 4 segments)
- Los Angeles
- Santa Monica
 - Beach
 - Civic Center
- El Segundo
- Manhattan Beach
- Hermosa Beach
- Redondo Beach (1 of 2 segments)
- Edison Easement
- Torrance
- Palos Verdes Estates
- Rancho Palos Verdes
- Long Beach
- Cerritos Wetlands
- Avalon

- Orange County
(4 of 7 segments)
- Seal Beach
- Huntington Beach
 - MWD Wetland
- Costa Mesa
- Newport Beach
- Irvine
- Laguna Beach
 - Irvine Cove
 - Hoba Canyon
 - Blue Lagoon
 - Three Arch Bay
- Laguna Niguel
- Aliso Viejo
- Dana Point
 - Dana Strands
- San Clemente
 - Marblehead Coastal

* City of Malibu and LA Co. Malibu/
Santa Monica Mountains Segment are
within the So. Central Coast Area

