

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION
RESOLUTION R5-2016-0064

DEVELOPING A STRATEGY FOR REGULATION OF MANAGED WETLANDS

WHEREAS, the California Regional Water Quality Control Board, Central Valley Region (Central Valley Water Board) finds that:

1. There are approximately 227,840 acres of managed wetlands in the Central Valley Region that currently require regulatory coverage under seven (7) Irrigated Lands Regulatory Program (ILRP) General Waste Discharge Requirements Orders (Orders).
2. Managed wetlands are defined as publicly or privately owned wetlands that receive artificial seasonal, semi-seasonal, or permanent flooding to stimulate the development of wetland habitat, primarily for the benefit of migratory and resident wildlife species.
3. For the purpose of this resolution, managed wetlands do not include groundwater recharge basins, tailwater recirculation or sedimentation ponds, evaporation ponds, or wetlands constructed for the primary purpose of filtering urban or industrial stormwater runoff.
4. The Central Valley Water Board recognizes that managed wetland operations and their potential water quality impacts differ from irrigated agriculture operations in significant ways.
5. In February 2016, the Central Valley Water Board adopted revisions of the ILRP Orders to allow the use of a wetland-specific evaluation template and to remove the requirements that managed wetlands prepare a Nitrogen Management Plan or develop a Sediment and Erosion Control Plan.
6. In February 2016, the Central Valley Water Board extended the enrollment deadline for managed wetlands in the Tulare Lake Basin to 31 December 2016.
7. Prior to the September 2013 adoption of the Tulare Lake Basin WDRs, managed wetlands in the Tulare Lake Basin area were not required to obtain coverage in the ILRP because they do not discharge to surface water. Water applied to Tulare Lake Basin wetlands generally evaporates and/or percolates into the subsurface.
8. Unlike the Tulare Lake Basin, managed wetlands in the Sacramento River and San Joaquin River Basin areas discharge to surface waters and have been required to obtain coverage in the ILRP since adoption of the Conditional Waiver program in 2003.
9. It is the Central Valley Water Board's intent to develop a long-term strategy for regulating managed wetlands throughout the Central Valley.
10. Managed wetlands may contribute to certain water quality issues (e.g., methyl mercury production, low dissolved oxygen, salt inputs), but water quality impacts from managed wetlands are of a more limited nature than for irrigated agriculture. There are also known water quality benefits associated with managed wetlands (e.g., nutrient retention,

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sediment filtering, low pesticide use) that should be considered when developing future regulatory requirements. Public trust values of managed wetlands should also be considered when developing a long-term strategy for water quality regulation.

11. Managed wetlands of the Sacramento River Basin and San Joaquin River Basin are currently required to address TMDL requirements for production of methyl mercury in the Delta and Sacramento River Basin and for contributions to salt loading in the San Joaquin River Basin. Therefore, a mechanism for regulatory coverage is needed.
12. Managed wetlands in the Tulare Lake Basin are not subject to the methyl mercury or salt and boron TMDLs, and do not currently discharge to surface waters. For these reasons, managed wetlands of the Tulare Lake Basin do not require immediate regulatory coverage until a long-term strategy for wetlands regulation is developed and implemented.
13. A Managed Wetlands Workgroup was formed in February 2014 for the purpose of identifying an alternative regulatory strategy for managed wetlands. The workgroup did not reach consensus due to the uncertainty of costs associated with the regulatory options that were discussed.
14. During a Managed Wetlands Workshop held on 15 April 2015, stakeholders presented information on the current status of Central Valley managed wetlands, including water and habitat management techniques, federal and state mandates they are tasked with meeting, and budgetary constraints.
15. The Central Valley Water Board seeks to support efforts to protect and enhance wetlands, while also ensuring that beneficial uses are maintained.
16. In 2014, the State Water Board developed the Water Quality Coordinating Committee's Wetlands Restoration Project Initiative which aims to identify ways in which the Water Boards can use their regulatory authority to facilitate wetland restoration, preservation, and enhancement.
17. In a 5-year multi-agency work plan to develop a wetlands conservation program, the State Water Board identified specific actions and target dates to support the overall goal of increased wetland protection and delivery of ecosystem services.

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NOW, THEREFORE, BE IT RESOLVED THAT:

The Central Valley Water Board:

1. Directs Central Valley Water Board staff to revise the Tulare Lake Basin and Western Tulare Lake Basin Area Orders to remove the requirement for managed wetlands to obtain coverage under the ILRP.
2. Directs Central Valley Water Board staff to work with stakeholders to develop an appropriate type of regulatory strategy to protect surface and groundwater quality in relation to managed wetlands discharges. Considerations should include goals to increase managed wetlands and water quality benefits, and minimize regulatory costs.

Any person aggrieved by this action of the Central Valley Water Board may petition the State Water Board to review the action in accordance with Water Code section 13320 and California Code of Regulations, title 23, sections 2050 and following. The State Water Board must receive the petition by 5:00 p.m., 30 days after the date of this Order, except that if the thirtieth day following the date of this Order falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Water Board by 5:00 p.m. on the next business day. Copies of the law and regulations applicable to filing petitions may be found on the Internet at: http://www.waterboards.ca.gov/public_notices/petitions/water_quality or will be provided upon request.

I, PAMELA C. CREEDON, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of a Resolution adopted by the California Regional Water Quality Control Board, Central Valley Region on 19 August 2016.

Original signed by

PAMELA C. CREEDON, Executive Officer