

## The Myth of Federal Wetland Regulation

-- a deliberately provocative title

R. Curry 9-15-04

## Local Jurisdictions

- Dependent on tax and political bases
- Authority derives from Health and Safety responsibilities
- Wetlands do not pay taxes

## State Authority

Defers to local county control if possible  
Fish and Game Codes not enforced  
and subject to political pressure  
Water Quality Control Boards  
understaffed and subject to political  
pressures  
Coastal Commission seeks "balanced  
development" ≡ political realities

## Federal Regulation

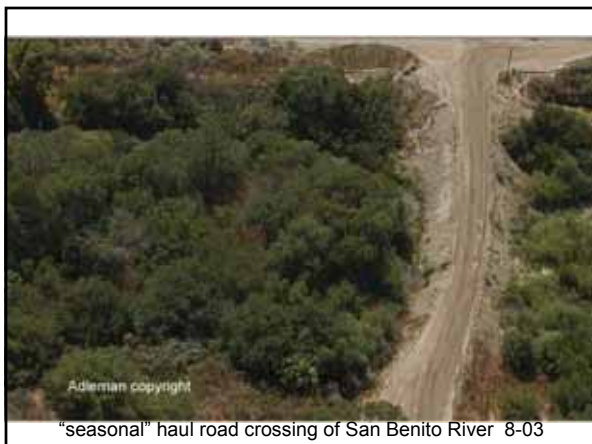
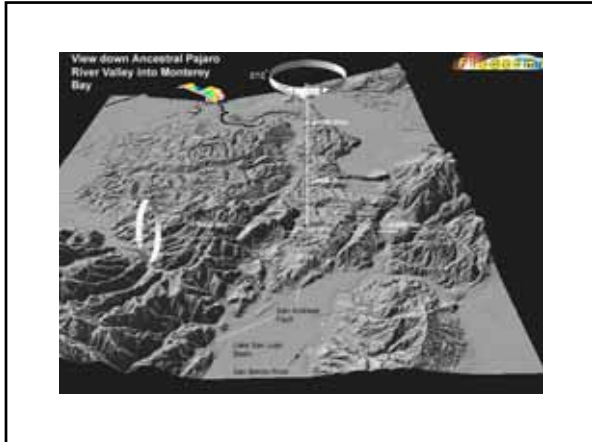
- CWA Section 404
  - Dredge & Fill ↓
  - Fill only ↓
  - Isolated waters excluded ↓
  - Defer to States ↓
  - Defer to counties
  - *Too little funding to effect oversight*
- Federal Interagency statutory wetlands
  - Applicant does delineation
  - Corps' reviews
  - USDA farm authority: Hydric Soils not detailed
  - EPA has final authority
  - *Too little funding to effect oversight*

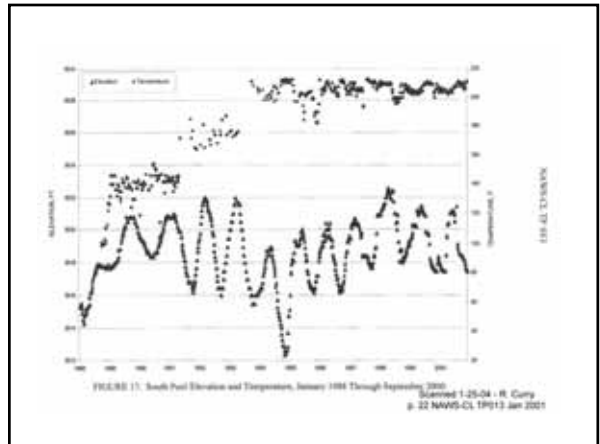
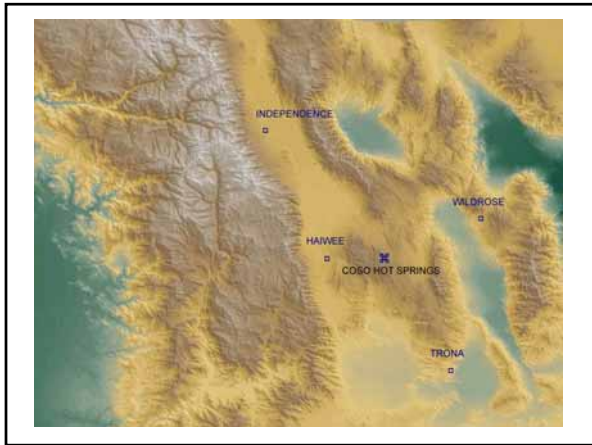


Feb 2004 Hillsdale "Quarry" on San Benito River – view upstream



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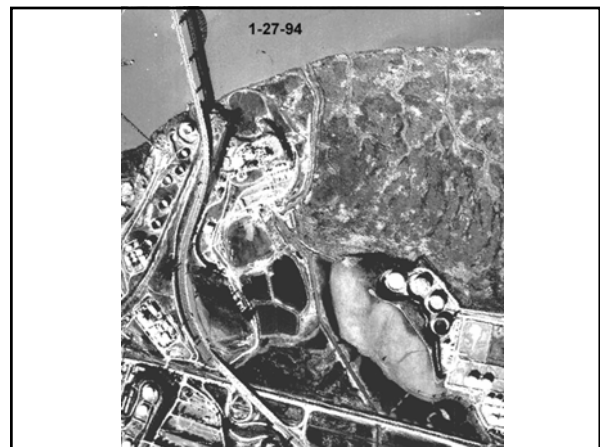
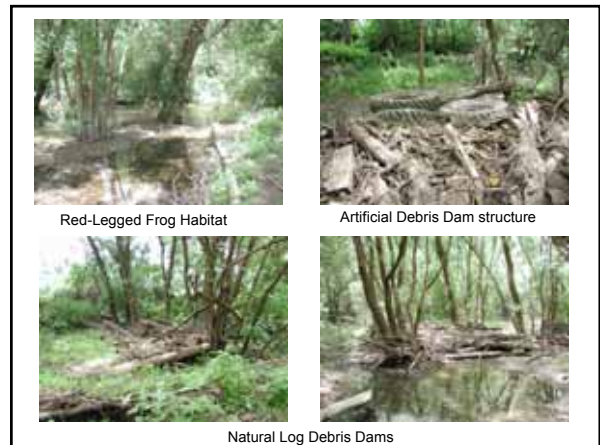
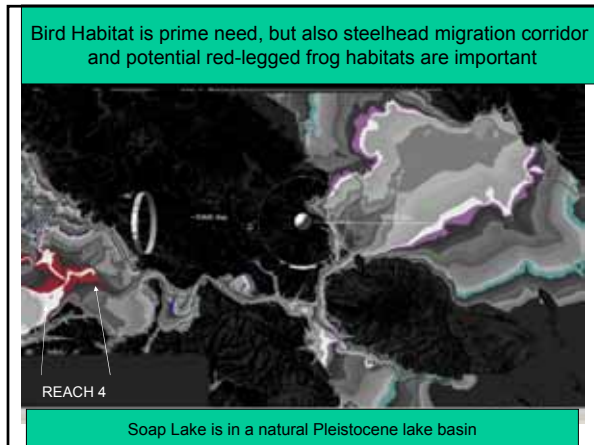
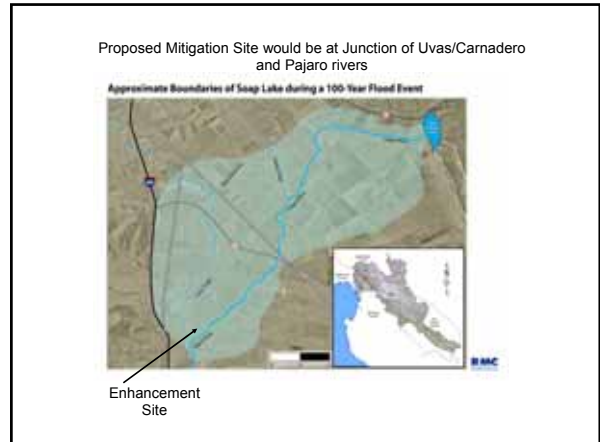




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Soap Lake – Santa Clara and San Benito counties - winter -2004



Bottom Line:

1. Alert Public must push agencies.
2. Any agency willing to assume authority will generally carry the day
3. There is too much going on to review it all
4. ...we need more lerts...