

6/23/2021

The Board of Forestry is proposing to change the term “wet area” in the California Forest Practice Rules to “*wetlands*” and add a definition of wetlands to the glossary.

The Board of Forestry’s proposed new definition is:

14 CCR 895.1

“Wetlands” means those areas:

- (a) Which are saturated within the top 20 inches of the soil for at least two weeks of the growing season caused by groundwater, shallow surface water, or both; and
- (b) Where the duration of such saturation is sufficient to cause anaerobic conditions in the upper substrate, and;
- (c) Which either lacks vegetation or vegetation is dominated by hydrophytes.

State Water Board Recommendations:

Recommendation #1:

The State Water Board recommends using the definition for *wetlands* in the State Water Board’s [Wetland Definition and Procedures for Discharges of Dredged or Fill Material to Waters of the State](#):

An area is wetland if, under normal circumstances, (1) the area has continuous or recurrent saturation of the upper substrate caused by groundwater, or shallow surface water, or both; (2) the duration of such saturation is sufficient to cause anaerobic conditions in the upper substrate; and (3) the area’s vegetation is dominated by hydrophytes or the area lacks vegetation.

The Water Board’s definition of a wetland is similar to the federal definition in that it identifies three wetland characteristics that determine the presence of a wetland: wetland hydrology, hydric soils, and hydrophytic vegetation. Unlike the federal definition, however, the Procedures’ wetland definition allows for the presence of hydric substrates as a criterion for wetland identification (not just wetland soils) and wetland hydrology for an area devoid of vegetation (less than 5% cover) to be considered a wetland.

Recommendation #2:

If Recommendation #1 is not acceptable to the Board of Forestry, the Water Board recommends revising the proposed definition for “wetlands” as follows:

“Wetlands” means those areas, under normal circumstances, (a) Which are saturated within the top 20 inches of the **soil substrate** for at least two weeks of the growing season caused by groundwater, shallow surface water, or both...”

The State Water Board recommends changing the word “soil” to “substrate” for two reasons: 1) this would provide consistency with proposed definition part b), which uses the term “substrate”, and 2) many types of wetlands lack developed “soils” and therefore the presence of observed substrate conditions would be more inclusive. The US Army Corps of Engineers also use the term “substrate” with regard to wetlands. For example,

the regional supplements (Arid West Region, Western Mountains, Valleys, and Coast Region) refer to wetlands as “areas where the substrate is saturated and/or inundated” enough to support wetlands conditions. (See also [Technical Advisory Memorandum No. 4, Wetland Delineation. September 2012. Produced by the San Francisco Estuary Institute for the Technical Advisory Team for the California Wetland and Riparian Area Protection Policy, California State Water Resources Control Board, Sacramento CA.](#))

Recommendation #3:

The State Water Board would like to offer technical support to the Board of Forestry regarding their adoption of a definition for wetlands. The State Water Board recently adopted a statewide wetland definition, which underwent more than a decade of technical and stakeholder review. In addition, the following technical memorandums were developed during the Water Boards’ wetland definition development; they can provide essential background and justification for the development of the definition:

1. [TAT Memo Number 1 \(sfei.org\)](#)
2. [TATmemo2 Wetland Definition.pdf \(sfei.org\)](#)
3. [TATmemo3 Landscape Framework.pdf \(sfei.org\)](#)
4. [TATmemo4 Wetland Delineation.pdf \(sfei.org\)](#)