Governance, Law and Environmental Management

According to Fischer (1993), governance provides the laws or rules for natural resources and biodiversity management actions. Governance operates through markets, voter's initiatives, legislative law, executive orders and judicial interpretations. Management refers to the work an agency does to implement environmental law set forth through the governance process (Fischer 1993). There is no comprehensive, environmental governance law or management system. In the United States governance of the environment (and of course wetlands) is highly fragmented; among management agencies coordination and cooperation continues to be rare, although it is improving. The bibliography introduces the novice to the environmental law of wetlands and the government agency management processes. Besides providing the legal code and wetlands permitting process, the bibliography delineates the history and sources of wetlands and water resources laws and management actions.

Publications on Governance (Law and Legal Process)		
Citation	Link	Annotation
Kubasek, Nancy and Gary S. Silverman. 2000. *Environmental Law.* Third Edition. Upper Saddle River, NJ: Prentice Hall		Explains the U.S. legal system functions in general, the four types of environmental law: Legislative law; Executive orders; Common law/judicial interpretation; Administrative regulation . Details the science supporting environmental laws and regulations. Examines the federal institutions that administrate law and policy. Has a chapter on wetlands law and policy.
National Research Council. 2001. *Compensating for Wetland Losses under the Clean Water Act*. Committee on Mitigating Wetland Losses, Board on Environmental Studies and Toxicology, Water Science and Technology Board, Division on Earth and Life Studies. Washington, D.C.: National Academy Press.	http://books.nap.edu/books/0309074320/html/index.html	This book examines the regulatory framework for permitting wetland filling and requiring mitigation, compares the mitigation institutions that are in use, and addresses the problems that agencies face in ensuring sustainability of mitigated wetlands over the long term. Sample report findings: (1) "No wetlands loss" policy is not being met, (2) Data from the Corps not adequate for determining the amount and quality of compensation wetlands, (3) Use the watershed approach in the permit decision making process and (4) Special attention to riparian habitat given its value of maintaining stream water quality

		and overall ecosystem health.
Kusler, John and Teresa Opheim. 1996. *Our National Wetland Heritage*. Washington D.C.: Environmental Law Institute		A guide for local governments and land trusts to understand how wetlands are part of our natural and cultural heritage. Easy to read with great diagrams. Sample topics covered: Different regulatory agency definitions of wetlands; What citizens can do; Wetlands protection in the land use planning process; Watershed management for wetlands; How to delineate a wetland; How to avoid legal problems. How to develop wetlands performance standards.
Elder, Don, Gayle Killam, and Paul Koberstein. 1999. *The Clean Water Act: An Owner's Manual*. Portland: River Network.		This primer introduces the novice to the Clean Water Act, including wetlands permits. Details thirty basic principles that every citizen interested in Clean Water should understand.
National Oceanic and Atmospheric Administration, United States Environmental Protection Agency, Army Corps of Engineers, U.S. Fish and Wildlife Service and Natural Resources Conservation Service. 2003. *An Introduction and User's Guide to Wetland Restoration, Creation and Enhancement.*	http://www.nmfs.noaa.gov/habitat/habitatconservation/publications/index.htm Hard copy can be ordered by sending an e-mail to Susan Stedman: susan.stedman@noaa.gov	Primer for anyone interested in the process of wetlands restoration, creation and enhancement. Easy to read, with pictures. Ideal document to introduce decision-makers to wetlands and habitat restoration. Includes: Wetlands definition; natural capital of wetlands; wetlands law; project planning, implementation and monitoring; list of resources, contacts and funding sources.
Beatly, Timothy, Brower, David J. and Anna K. Schwab. 2002. *Introduction to Coastal Zone Management*. Washington, D.C.: Island Press.		Introduces coastal trends and pressures. Assesses the U.S. current policy and planning framework. Book draws mainly from East Coast examples, and not enough emphasis on California. Includes creative coastal designs and lessons learned from other countries' coastal programs. Discusses the future of sustainable coastal planning.
Fulton, William. *Guide to California Planning (Second Edition).* 1999. Point Arena, CA: Solano Press:		Describes how planning process in California really works, and why it is so intimidating and confusing. Humorous prose and cartoons;

		easy to read. Award winning publication.
Jensen, Deborah, Margaret S. Torn, and John Harte. 1993. *In Our Own Hands: A Strategy for Conserving California's Biological Diversity.* Berkeley, CA: University of California Press.		Details the multiple and cumulative stresses on biodiversity in California. Excellent section on wetland loss, and legal/policy recommendations.
Mooney, Donald B. and Marsha Burch. 2003. *Water Acquiisition Handbook. A Guide to Acquiring Water for the Environment in California.* San Francisco, CA: Trust for Public Land.		This guide provides readers with background information how to locate and acquire available water for environmental restoration/ enhancement. Topics include: Water rights (surface and ground water) ; water transfers, supporting science; project identification and planning. Appendixes provide excerpts from California Water Law and Code.
Archer J.H., Connors Donald L., Laurence Kenneth, Colombia Sarah C., and Robert Bowen. 1996. *The Public Trust Doctrine and Management of American Coasts*. Amherst MA: University of Massachusetts Press.		Denotes what land and waters constitute the zone of public trust rights. Discusses how the State may regulate public trust lands and wetlands. Delineates public trust uses and the establishment of public trust uses. In California lands and water in public trust, the State protects the publics right to fishing, commerce, navigation, recreation, and other needs reflecting the changing public's needs. Extensive discussion of application of public trust doctrine to protect Mono Lake's wetlands.
Fischer, David W. 1993. Governance in *Ecology of the Southern California Bight. A Synthesis and Interpretation*. Eds. Murray D. Dailey, Donald J. Reish and Jack W. Anderson. Berkeley, CA University of California Press.		Short introduction to coastal governance and management. Lacking in wetlands and watershed governance and management.
California Environmental Resources Evaluation System (CERES): Federal Law, Regulation and Policy	http://ceres.ca.gov/env_law/federal.html	▪ National Environmental Policy Act ▪ Conservation ▪ Pollution ▪ Toxic Pollution ▪ Links to regulatory agencies
CERES: California Environmental Quality Act	http://ceres.ca.gov/ceqa	▪ CEQA Judges ▪ Environmental Assessment

		Documents ▪ Case law search engine
CERES California Law, Regulation and Policy	http://ceres.ca.gov/env_law/state.html	▪ California Environmental Quality Act; ▪ Natural Community Conservation Planning ▪ California Endangered Species Act ▪ California Coastal Act ▪ California Land Conservation Act ▪ Forest Practices Act ▪ Links to regulator agencies
CERES: California Water Law and Policy	http://ceres.ca.gov/env_law/water_law/index.html	▪ Water rights in California ▪ Selected cases and references ▪ Governmental Water Allocation ▪ Federal Water Issues ▪ Water Related Environmental Issues (i.e. water quality)
CERES: Land Use Planning and Policy	http://ceres.ca.gov/env_law/land_law.html	State and Federal laws applied in the land use planning process. Contains land use planning links.
CERES: Land Use Planning Information Network (LUPIN)	http://ceres.ca.gov/planning/	Information services that support land use planning, Contains local city codes, zoning ordinances and environmental assessments.
CERES: California Wetlands Information System: How to get a permit.	http://ceres.ca.gov/wetlands/permitting.html	Details each agency requirements for a wetlands permit. Flow chart is hard to read and understand as is the wetlands permitting system.
Cylinder Paul D., Bogdan, Kenneth, Zonn, April I, and Joel B. Butterworth. 2004. *Wetlands, Streams, and Other Waters: Regulation, Conservation, and Mitigation Planning.* Point Arena, CA: Solano Press.	http://www.solano.com/	Document in press.
Bass, Ronald E., Herson Albert I., and Kenneth Bogdan. 1999. CEQA Deskbook: A Step-by-Step Guide on How to Comply with the California Environmental Quality Act. *Point Arena, CA: Solano Press:*	http://www.solano.com/	Document unavailable for review.
Bass, Ronald E., Herson Albert I., and Kenneth Bogdan. 2001. *The*	http://www.solano.com/	Document unavailable for review.

NEPA Book: A Step-by-Step Guide on How to Comply with the National Environmental Policy Act. Point Arena, CA: Solano Press:		
Management Institutions and Administrative Law		
U.S. Army Corps of Engineers. (USACE) Institute for Water Resources. Wetlands and Regulatory	http://www.iwr.usace.army.mil/iwr/regulatory/regulintro.htm	▪ Compensatory Mitigation ▪ Nationwide permits ▪ Watershed Planning ▪ Draft Nationwide Permits Programmatic Environmental Impact Statement
U.S. Army Corps of Engineers. Los Angeles District.	http://www.spl.usace.army.mil/	Los Angeles District Regulatory Program including permit application instructions and public notice for individual permits.
U.S. Army Corps of Engineers. Los Angeles District. Special Area Management Plans.	http://www.spl.usace.army.mil/samp/samp.htm	Information on Southern California's Special Area Management Plans
U.S. Army Corps of Engineers. Institute for Water Resources. Planning.	http://www.iwr.usace.army.mil/iwr/planning/plguidance.htm	▪ The Economic and Environmental Principles and Guidelines for Water and Related Land Resources Implementation Studies ▪ Planning Guidance Notebook ▪ Planning Guidance Letters ▪ Project Specific Guidance
U.S. Environmental Protection Agency, Office of Water	http://www.epa.gov/water/	▪ Federal laws and regulation associated with water quality
Natural Resources Conservation Service (NRCS).	Http://www.nrcs.usda.gov/programs/wrp/ http://www.nrcs.usda.gov/programs/watershed/ http://www.nrcs.usda.gov/programs/farmbill/2002/products.html http://www.nrcs.usda.gov/about/legislative/	▪ Wetlands Reserve Program; Watershed Protection Program; Wildlife Habitat Incentives Program; 2002 Farm Bill Conservation Programs ▪ Legislation Summaries and Reports
California Dept of Fish and Game: Lake and Streambed Alteration Program	http://www.dfg.ca.gov/1600/1600code.html (law) http://www.dfg.ca.gov/1600/ (policy)	Fish and Game Code section 1602 requires any person, state or local governmental agency, or public utility to notify the Department before beginning any

		activity that will do one or more of the following: 1) substantially obstruct or divert the natural flow of a river, stream, or lake; 2) substantially change or use any material from the bed, channel, or bank of a river, stream, or lake; or 3) deposit or dispose of debris, waste, or other material containing crumbled, flaked, or ground pavement where it can pass into a river, stream, or lake. Fish and Game Code section 1602 applies to all perennial, intermittent, and ephemeral rivers, streams, and lakes in the state.
California Coastal Commission: Laws, Regulations and Legislative Information	http://www.coastal.ca.gov/ccatc.html	▪ California Coastal Act ▪ California Coastal Commission Administrative Regulations ▪ Coastal Zone Management Act (Federal) ▪ State Coastal Conservancy Law
State of California Water Resources Control Board.	http://www.swrcb.ca.gov/quality.html	Water quality regulation and policy.
State of California Water Resources Control Board – Nine Regional Water Quality Control Boards	http://www.swrcb.ca.gov/regions.html	California's nine Regional Water Quality Boards administer and enforce the federal Clean Water Act and the California Porter-Cologne Water Quality Control Act. Each region has a water quality control plans often referred to as "basin plans." The plan: (1) designates beneficial use of the Region's ground and surface waters; (2) designates water quality objectives or standards for the reasonable protection of those uses and (3) establishes an implementation plan to achieve the objectives.
State of California, State Lands Commission.		The mission of the California State Lands Commission (Commission) is to manage some 4.5 million acres of land held in trust for the people of California. The State holds these lands for all the peoples of the State for the public trust purposes of water-

		related commerce, navigation, fisheries, recreation, and open space.
California Coastal Conservancy	http://www.coastalconservancy.ca.gov/index.htm	The California Coastal Conservancy, established in 1976, is a state agency that uses entrepreneurial techniques to purchase, protect, restore, and enhance coastal resources, and to provide access to the shore. The Coastal Conservancy works in partnership with local governments, other public agencies, nonprofit organizations, and private landowners.
Water, Science and Technology Board. National Academy of Sciences.	http://www7.nationalacademies.org/wstb/	The board is a focal point for studies related to water resources accomplished under the aegis of the National Academy of Sciences and the National Academy of Engineering. The Board's scope covers all dimensions of water resources, including science, engineering, economics, policy, educational issues, and natural resources management policy.