

103<sup>D</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 2764

To establish a demonstration program to encourage the full restoration of the Ballona Wetlands, Los Angeles, California, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 27, 1993

Mr. HORN (for himself, Ms. HARMAN, Mr. DIXON, Mr. TUCKER, Mr. BEILEN-  
SON, Mr. BERMAN, Mr. WAXMAN, Mr. TORRES, and Mr. MOORHEAD) in-  
troduced the following bill; which was referred jointly to the Committees  
on Merchant Marine and Fisheries and Public Works and Transportation

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## A BILL

To establish a demonstration program to encourage the full restoration of the Ballona Wetlands, Los Angeles, California, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Ballona Wetlands Res-  
5 toration Act of 1993”.

6 **SEC. 2. FINDINGS AND PURPOSES.**

7 (a) FINDINGS.—Congress finds and declares the  
8 following:

1           (1) Wetlands perform a number of valuable  
2 functions which are important to the ecological and  
3 economic well-being of the Nation, including—

4           (A) providing contributions to food and  
5 water supplies, flood control, and wildlife re-  
6 sources;

7           (B) maintaining biological diversity; and

8           (C) providing natural habitats for many  
9 migratory and resident fish and wildlife species,  
10 including migratory birds, endangered species,  
11 and fish species in commercial and recreational  
12 fisheries.

13          (2) Over two-thirds of the wetlands that once  
14 existed in the State of California have been severely  
15 degraded or no longer exist.

16          (3) Over nine-tenths of the wetlands that once  
17 existed in the city of Los Angeles, California, have  
18 been severely degraded or no longer exist.

19          (4) The Ballona Wetlands constitute the last  
20 remaining wetlands ecosystem of significant propor-  
21 tion located in the city of Los Angeles.

22          (5) The Ballona Wetlands, though significantly  
23 degraded, support 185 species of birds along the  
24 Pacific Flyway.

1           (6) The Ballona Wetlands are in imminent dan-  
2           ger of an ecosystem collapse.

3           (7) If fully restored, the Ballona Wetlands  
4           could—

5                   (A) provide a major fish nursery habitat  
6                   for the adjoining Santa Monica Bay;

7                   (B) improve the water quality of Santa  
8                   Monica Bay by acting as a natural filtration  
9                   system;

10                   (C) provide increased habitat for endan-  
11                   gered species and migratory birds; and

12                   (D) provide significant educational oppor-  
13                   tunities regarding wetlands functions for per-  
14                   sons in surrounding urban areas.

15           (8) It should be a high priority of the Federal  
16           Government to encourage the full restoration of de-  
17           graded wetlands.

18           (b) PURPOSE.—The purpose of this Act is to estab-  
19           lish a demonstration program to encourage the full tidal  
20           restoration of the Ballona Wetlands.

21   **SEC. 3. DISCHARGE OF DREDGED OR FILL MATERIAL AT**  
22                   **BALLONA WETLANDS.**

23           (a) EXPEDITED PERMITTING.—Not later than 180  
24           days after the date of the enactment of this Act, the Sec-  
25           retary of the Army shall issue regulations to provide for

1 expedited consideration of permit applications submitted  
2 under section 404 of the Federal Water Pollution Control  
3 Act for the discharge of dredged or fill material into navi-  
4 gable waters at the Ballona Wetlands, Los Angeles,  
5 California.

6 (b) PUBLIC HEARINGS.—Regulations issued under  
7 subsection (a) shall provide for notice and opportunity for  
8 public hearings in accordance with section 404(a) of the  
9 Federal Water Pollution Control Act.

10 **SEC. 4. BALLONA WETLANDS DEMONSTRATION PROGRAM.**

11 (a) ESTABLISHMENT.—The Administrator of the En-  
12 vironmental Protection Agency, in consultation with the  
13 Secretary of the Army and the heads of other Federal de-  
14 partments and agencies, shall establish, in accordance  
15 with the requirements of this section, a demonstration pro-  
16 gram to encourage the full restoration of the Ballona Wet-  
17 lands, Los Angeles, California.

18 (b) MITIGATION CREDITS.—

19 (1) AWARD.—Under the demonstration pro-  
20 gram to be established under subsection (a), the Ad-  
21 ministrator shall award mitigation credits to persons  
22 who conduct activities for the restoration of the  
23 Ballona Wetlands.

24 (2) USE.—Mitigation credits awarded under the  
25 demonstration program may be used in obtaining

1 permits under section 404 of the Federal Water Pol-  
2 lution Control Act for activities to be conducted be-  
3 tween Point Conception, California, and the Mexican  
4 Border.

5 (3) BANKING.—The Administrator shall estab-  
6 lish a mitigation banking system in order to keep an  
7 accounting of mitigation credits awarded under the  
8 demonstration program.

9 (4) SALE.—Mitigation credits awarded under  
10 the demonstration program may be sold to third  
11 parties with the approval of the Administrator. The  
12 Administrator shall give priority to third parties who  
13 are engaged in water dependent development in San  
14 Pedro Bay and who are located in the county of Los  
15 Angeles in approving the sale of mitigation credits  
16 under this paragraph.

17 (c) REGULATIONS.—

18 (1) DEADLINE.—Not later than 180 days after  
19 the date of the enactment of this Act, the Adminis-  
20 trator shall issue regulations to carry out the dem-  
21 onstration program to be established under sub-  
22 section (a).

23 (2) CONTENTS.—Regulations to be issued  
24 under this subsection shall contain the following:

1 (A) SCALE FOR AWARDING OF CREDITS.—

2 A scale for awarding mitigation credits under  
3 the demonstration program. Such scale shall  
4 take into account the degree to which an activ-  
5 ity will contribute to the full restoration of the  
6 Ballona Wetlands and the availability of other  
7 mitigation options.

8 (B) GUIDELINES FOR USE OF CREDITS.—

9 Guidelines for determining how mitigation cred-  
10 its awarded under the demonstration program  
11 may be used in obtaining permits under section  
12 404 of the Federal Water Pollution Control  
13 Act. Such guidelines shall take into account the  
14 relation between the ecological and economic  
15 benefits of an activity for which mitigation  
16 credits are to be awarded under the demonstra-  
17 tion program and the loss of habitat associated  
18 with the issuance of a permit for an activity on  
19 the basis of such mitigation credits.

20 (d) LIMITATION.—The award of mitigation credits  
21 under the demonstration program to be established under  
22 subsection (a) shall not be construed to constitute prior  
23 approval by any Federal or State agency of any applica-  
24 tion for a permit for which such credits may ultimately  
25 be used.

1 **SEC. 5. REPORT TO CONGRESS.**

2 (a) IN GENERAL.—Not later than 1 year after the  
3 date of the enactment of this Act, and annually thereafter  
4 for 5 years, the Administrator of the Environmental Pro-  
5 tection Agency, in consultation with the Secretary of the  
6 Army and the Secretary of the Interior, shall transmit to  
7 Congress a report on the results of the demonstration pro-  
8 gram to be established under section 4.

9 (b) CONTENTS.—Each report to be transmitted to  
10 Congress under subsection (a) shall at a minimum contain  
11 the following:

12 (1) An estimate of the total number of acres of  
13 wetlands which have been restored under the dem-  
14 onstration program to be established under section  
15 4.

16 (2) An assessment of the effectiveness of the  
17 demonstration program in achieving the policy set  
18 forth in section 2(a)(7).

19 (3) An assessment of the functions of the wet-  
20 lands which have been restored under the dem-  
21 onstration program.

22 (4) An assessment of whether or not establish-  
23 ment of the demonstration program has resulted in  
24 more timely completion of mitigation activities under  
25 section 404 of the Federal Water Pollution Control

1 Act or in greater ease of administration of permit-  
2 ting programs under such section.

3 (5) A description of the costs associated with  
4 administering the demonstration program.

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