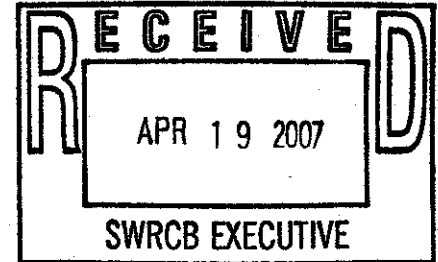


Redwood Chapter Sierra Club

55A Ridgeway Dr.
Santa Rosa Ca.
95402

April 19, 2007

State Water Resource Control Board
Division of Water Quality
1001 I Street Sacramento, California 95814



Re: Notice of Public California Environmental Quality Act Scoping Meeting
Proposed Wetland and Riparian Area Protection Policy
Monday April 9, 2007 10:30 a.m.
Sierra Hearing Room-Second Floor

"The State Board's mission is to preserve, enhance and restore the quality of California's water resources, and ensure their proper allocation and efficient use for the benefit of present and future generations."

Attention State Water Resource Control Board,

The Redwood Chapter of the Sierra Club submitted substantive public comments to the Regional Water Quality Control Boards of the San Francisco Bay and North Coast Regional Boards in May 2006. Our comments to the Regional Boards are also included in these policy comments and are the basis for the Sierra Club's (SC) support of **Alternative 4, Develop a New State Policy to Regulate a Variety of Discharges and Activities That Impact Wetlands and Riparian Areas.**

The Redwood Chapter, with over 11,000 members (spanning from the northern San Francisco Bay to the Oregon border) has a top priority to protect this regions riparian areas and wetlands for flora and fauna. As well, our membership continues to explore and enjoy such wild places.

Northern California supplies much of California's thirst for fresh water. Our coastal rivers are a state treasure and need the maximum protection we can provide as strong stewards of a precious resource that is dangerously diminished in water quality and quantity.

Many threats are degrading and polluting our riparian areas and wetlands such as:

- Logging of forests
- Conversion of forest to other uses such as vineyards and subdivisions-warming riparian water due to lack of shade, sediment clogging streams and increase flow off site causing bed incision, hydromodifications and bank failures
- Over appropriation of water

- Pumping from one basin to another basin, aka trans-basin movement of water (basins should be sustainable and not rescuing a basin miles away that is not using their water sustainably)
- Illegal water use
- Illegal dams
- Dams
- Cattle grazing within riparian areas
- Cut and fill
- Roads
- Discharges such as: nutrients, pesticides, herbicides
- Over grazing
- Groundwater pumping
- Garbage disposal in or near streams
- Permanent road side stock piling of sweepings and debris by County Public Works Departments in riparian zones.
- Urbanization is a serious threat as cities have limited regard for creek integrity and biological function and routinely grant exemptions to stream setback regulations.

People develop land for various reasons and water is the limiting factor to population and development. All over our state high concentrations of human activities depend on riparian extractions, surface flow and groundwater pumping. Collectively, humans have always assumed that water is abundant and can satisfy all our needs. Water resources both surface and groundwater are dangerously teetering on insufficient to sustain all human demands while at the same time providing healthy habitats for aquatic resources. Developers are coming up with complicated schemes to grab water such as: pump groundwater basins in one state and pipe water to thirsty metropolitan areas in other states, privatize water, pump recycled water into ancient aquifers, bag water on north coast rivers and float the water south. Even recycle waste water is meeting frowns from viticulture interests who worry about what tertiary water, (which contains heavy metals, antibiotic, caffeine to name a few contaminants that remain after treatment) can do to premiere wine (change flavors, cause people to worry about pollutants in wine). Four to six percent of all water on the planet is fresh water. Fresh water originating from wildlands is a priceless resource worthy of protection and conservation. The Sierra Club's position is that water resources should belong in perpetuity to the commons. California land prices, a booming wine industry, timber interest and human population expansion into wild places have put riparian areas and wetlands in jeopardy. Over the last 200 years riparian areas have declined by 98% and wetland resources have declined by 86%. If we do not protect and recover these resources soon water quality and quantity may not improve soon enough to protect beneficial uses.

Alternative 4 provides robust policy changes to protect riparian areas and wetlands that remain and may set the stage to improve the current degrading status of these resources. We can not afford to settle for Alternatives 1-3 as they are not far reaching and will continue the status quo. Time is short and we must move forward with maximum conservation and restoration efforts.

As outlined in the Informational Document for this scoping, **Alternative 4** will fill the many regulatory gaps that currently exist in our water laws both federal and state that have prevented necessary riparian area and wetland protections.

Furthermore, the Sierra Club recommends that along with **Alternative 4** policy changes, **enforcement** will need to be a priority or the present pattern and practice of riparian and wetland degradation will continue. Additionally, Water Boards must have **sufficient staff and funding** to follow through with policy and enforcement.

Our watersheds will change rapidly over the next 100 years due to global warming and climate changes. Many scientists predict within the next 50 years we will see dramatic changes in our watersheds such as more water in the winter and less water in the summer (United Nations International Panel on Climate Change, 2007). Structures and people that encroach on water ecosystems such as riparian zones, floodplains, floodways, flood terraces, wetlands, seeps, bed and banks of streams and rivers are causing many to be in harms way while at the same time eliminating aquatic resources one cut and fill at a time. Water ecosystems provide functional importance to an intact watershed that when healthy will deposit sediment, convey flood water and have sustained flows. With more flooding and larger floods in the winter and drought in the summer our civilizations will be tested to adapt or surely suffer long term consequences of the effects of species extinction. Our planet (watersheds) will adapt to rapid climate change but species including humans will be in harms way. Scientist state we are in a mass extinction now.

Today the SWRCB is faced with a decision to vote for important substantive policy changes found in **Alternative 4** which could protect water resources and thereby take a step toward at least the possibility of recovery and then a chance for a sustainable future for all.

The following pages include previous comments submitted to the San Francisco Bay and the North Coast Regional Water Quality Control Boards but will be submitted now to the State Water Resource Control Board.

May 15, 2006

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Sierra Club Redwood Chapter
Scoping Comments
Revised 4/9/07

**Notice of Public Workshops and CEQA Scoping Meetings
in order to develop an amendment to the Regional Water Quality Control Plan of the San
Francisco Basin to protect Streams and wetlands systems**

These are Redwood Chapter of the Sierra Club's scoping comments to the San Francisco BayWQCB public workshop/scoping hearing on Stream and Wetlands System Protection Policy change to the San Francisco Bay Basin Plan and the North Coast River's Basin Plans.

Thank you to the State Water Resource Control Board and the Regional Boards for this CEQA scoping hearing in order to develop and adopt an amendment to the Water Quality Control Plan for the San Francisco Bay Basin, including the North Coast, that will protect streams and wetlands systems, including measures to protect riparian areas, wetlands and floodplains. We appreciate your overview of current research on the role of streams and wetlands systems in protecting water quality.

1. Policy framework should be coordinated with county General Plans and TMDLs that are currently in a CEQA scoping process in many counties in our Chapter. We referred to North Coast WQCB rep., Abigail Smith's General Plan comments on Petaluma and Sonoma Creek. We request that RWQCB's staff provide similar comments on the all Chapter Rivers.

2. The scope of protection and policy framework should include cities. Streams suffer permanent degradation by cities that frequently have little to no stream habitat protection and put creeks underground to get them out of the way of developments. The utter destruction of streams by cities that leap frog out into rural areas and are gobbling up riparian zones can not be ignored.

3. The RWQCBs could make comments and could take jurisdiction over the Department of Forestry on timber harvest plans and timber conversion plan approvals regarding assurances that water quality will be adequately protected on these projects. Sedimentation from deforestation is causing significant cumulative impacts to streams and rivers within the Redwood Chapter. Many of these timber conversion projects for vineyards are small in acreage but our watersheds are suffering death by many small cuts.

4. Stream set backs must be strictly enforced. Where local government has no protections for stream function it should be required by the Water Boards. Adequate setbacks to assure viable ecosystems management is vital to recover critical habitats for species that depend upon a functional riparian zone such as most wildlife. While NMFS recommend 350 foot setback in forested landscapes this would not be possible in urbanized area. However, if the WB does not step in to manage water resources adequately, functional aquatic ecosystems will continue to diminish. In the Napa River watershed the local government commonly allows waivers to stream setbacks even if it means building at the bank edge. Waivers, exemptions and exceptions to ordinances are usually permitted because land prices are high and private property advocates tout 'takings' even when taking laws clearly do not apply. But Napa is only an example of what will continue to happen in California, more building in less available space and desirable locations often means on floodplains, terraces and bank edges. Yet these wetted edges are becoming more and more dangerous to inhabit. Lead agencies who allow this type of development fail the public

trust and put people in harms way. Enforcement of local county ordinances to protect riparian areas is currently woefully inadequate with utter lack of will by county officials to prosecute offenders. Any new protections by the RWQCB should be strictly enforced with few waivers allowed.

5. Adequate flows should be addressed. Off site wells can deplete riparian aquifers causing low to no flows in the streams. It is unclear that the SWRCB will take jurisdiction on off stream wells, yet streams need protection from riparian over drafting and drying from groundwater pumping. If off site wells are currently being used they should be monitored by the property owner and provide data to an oversight entity. During droughts, water users should be prepared to conserve water and adapt to dry farming ASAP where applicable (vineyards)

7. We can not rely on restoration to fix the degradation of streams because long term maintenance and monitoring are lacking on most restoration projects. Adaptive management should be applied to long term monitoring and restoration projects and development of watersheds should invoke the Precautionary Principal of when in doubt do no harm.

8. Agencies who are suppose to protect water resources are in conflict with each other. Large woody debris is being removed by flood control districts under pressure from residences to 'clean up the creeks'. Devegetation is common by flood control districts given 'emergency status' to move into streams for 'flood control' reasons. The results are channelized streams with little functional vegetation. Scientist now know that salmon need large wood jams with complexity to support a viable anadromous population.

9. The Water Boards needs to produce 1:2400 USGS quads with third class streams included so that higher order/3rd class streams get protection from developments. Current USGS quads do not include higher order/3rd class streams. Developers are not required to show environmental impacts to streams that do not show up on USGS maps for their CEQA compliance filings. Therefore, our watersheds at the headwaters are being cleared and graded away for developments such as mansions, roads, wineries and vineyards. Flooding increases and incision in the river are significant cumulative impacts that need to be addressed resulting from elimination of 3rd class/higher order stream networks. Also, this is where pollution starts. Loss of intermittent/3rd class/1st order streams causes dysfunctional watersheds.

Thank you,

Chris Malan
Redwood Chapter Sierra Club
Executive Committee
Water Committee Chair
707-255-7434

cc. Paul Mason, Jim Metropolis Sierra Club lobbyist