



**California Regional Water Quality Control Board**  
**Lahontan Region**



Linda S. Adams  
 Secretary for  
 Environmental Protection

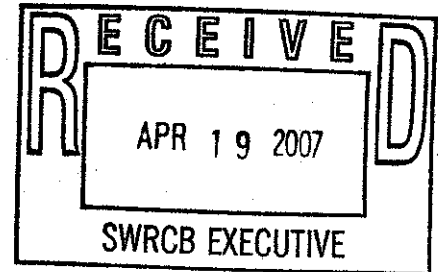
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Arnold Schwarzenegger  
 Governor

**Wetland/Riparian Policy**  
 Deadline: 4/19/07 12 noon

**MEMORANDUM**

**TO:** Song Her, Clerk to the Board  
 Executive Office  
 State Water Resources Control Board  
 P.O. Box 100  
 Sacramento, CA, 95812-0100



**FROM:**   
 Harold J. Singer  
 Executive Officer  
**LAHONTAN REGIONAL WATER QUALITY CONTROL BOARD**

**DATE:** APR 18 2007

**SUBJECT: COMMENTS – PROPOSED WETLAND AND RIPARIAN AREA PROTECTION POLICY**

Thank you for the opportunity to comment on the proposed Wetland and Riparian Area Protection Policy (Policy) for improvements to the state's current level of protection of wetland and riparian areas. The Policy proposes four alternative approaches, including the "No Action" alternative. We understand that, at this stage of the CEQA scoping process, you have asked that our comments be limited to identifying the 1) range of actions, 2) alternatives, 3) mitigation measures and 4) potential environmental effects to be analyzed in-depth during the development of this Policy. Based on our review of the March 2007 *Information Document for Public Scoping Meeting for Proposed Wetland and Riparian Area Protection Policy* (Document), our comments follow:

Range of Actions:

- We consider the range of actions included in the Document to be adequate. These actions range from "No Action" to a comprehensive framework for defining and protecting wetland and riparian areas.

Alternatives:

- The alternatives discussion on pages 1-11 of the Document refers to the "No Action" alternative as Alternative #1 but the Table on page 18 assigns different numbers to the alternatives. This could be confusing to readers.

- Alternative 4 (or Alternative 3 in the Table) includes a comprehensive framework for protection wetlands and riparian areas from the impacts of a variety of discharges and activities, including: dredge or fill material discharges; discharges of other pollutants (e.g., nutrients), hydromodification, land and vegetation clearing activities; and invasive species. We request the addition of "including, but not limited to", and specifically suggest that fuels management and grazing to be included in the "vegetation removal" category, and groundwater withdrawals to be included with, or in addition to, "hydromodification" category.

#### Mitigation Measures:

- We concur with the need for improving mitigation progress tracking, data collection, data management, cumulative impact consideration, functional assessment, and mitigation project performance standards.
- In particular, assessments of pre- and post-hydrology should be included in mitigation project effectiveness assessments.

#### Potential Environmental Effects:

- We concur with the premise for developing this Policy, the premise being: Insufficient protection in the past as led to historic losses, making the remaining wetlands and riparian areas in the state extremely valuable resources.

Our *Water Quality Control Plan for the Lahontan Region* (Basin Plan) currently includes definitions for wetland as well as beneficial uses specifically for wetlands, along with a regulatory strategy. These components were developed to provide a basis for regulatory decisions addressing wetland projects given the lack of statewide guidance on this issue. We incorporated the federal wetland delineation definition and required an evaluation of avoidance of impacts, minimization of impacts and mitigation for impacts. At the time, these components provided the basis for the Lahontan Water Board to be seen as being more protective than other Water Boards. Recently, other Water Boards are developing and adopting Basin Plan language that is more protective of wetlands than our current Basin Plan. Statewide consistent definitions, beneficial use and regulatory framework for wetlands and riparian areas would assist us in more effective water quality protection.

The State Water Board should also consider the development of a pragmatic set of useful tools and examples to accompany the final Policy as in integral component of any regulation to aid in implementation. As examples, the definition for riparian areas needs to include procedures on how to determine/measure the parameters in the definition (similar to the federal wetlands definition and delineation manual); samples of effective coordinated permits; use of California Rapid Assessment Method (CRAM) for functional assessment; measurable parameters related to water quality standards to determine losses at the discharge site and gains at the mitigation site.

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State Water Resources Control Board

As this process moves forward, we look forward to continuing to contribute to the development of a new statewide Wetland and Riparian Area Protection Policy. Please direct any questions on our comments to: Cindy Wise at [CWise@waterboards.ca.gov](mailto:CWise@waterboards.ca.gov) or at (530) 542-5408.

Comments on CEQA scoping for wetlands policy.doc