

# VENTURA COUNTY

# WATERSHED PROTECTION DISTRICT



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

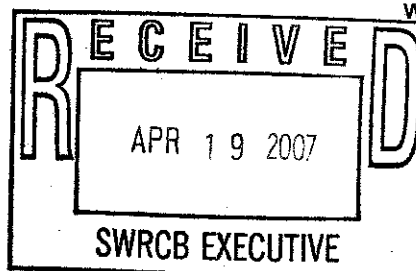
**PUBLIC WORKS AGENCY**  
**RONALD C. COONS**  
Agency Director

April 19, 2007

State Water Resources Control Board  
Attn: Song Her, Clerk of the Board  
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**Jeff Pratt**  
District Director

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Water/Environmental Resources

**Peter Sheydayi**  
Design/Construction

**Sergio Vargas**  
Planning/Regulatory

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Operations/Maintenance

**SUBJECT: COMMENTS ON THE PROPOSED WETLAND AND RIPARIAN AREA PROTECTION POLICY OF THE STATE WATER RESOURCES CONTROL BOARD**

This letter is in response to the SWRCB's notice (dated March 22, 2007) of two scoping meetings regarding the Proposed Wetland and Riparian Area Protection Policy. The Ventura County Watershed Protection District (District) appreciates the opportunity to provide the following comments.

As a matter of introduction, the District has an active capital improvement program in which new flood control facilities are constructed. Our operation and maintenance program is a major public safety component of our program and we currently conduct routine maintenance on over 350 existing facilities county-wide. As such, our staff have extensive working knowledge of the SWRCB/RWQCB's authority, requirements, and permit process under Sections 401, 402, and 404 of the federal Clean Water Act (CWA) and the Porter-Cologne Water Quality Control Act (Porter-Cologne). We hope these comments will assist you in developing effective policy and/or implementing regulations consistent with existing federal and state policy.

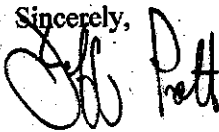
The District understands your agency currently has an extensive amount of existing authority under the federal CWA and Porter-Cologne. Existing program implementation could be improved without substantial new policy development. Therefore, the proposed Alternative No. 2, with a few additions, would be the most logical way to address the regulatory deficiencies created by the SWANCC decision in the state of California.

1. The District supports adoption of the CWA Section 404(b) (1) Guidelines with revisions to reflect state authorities and differences between the California Water Code and federal CWA.
2. The District supports clarification of the regulatory framework for protecting wetlands and riparian areas no longer protected by the federal CWA.
3. The District supports reliance on the existing federal definition of wetlands and the USACE 1987 Wetland Delineation Manual (and Arid West Supplement) as the standard metric for determining compensatory mitigation and compliance with the state's "No Net

- Loss<sup>o</sup> policy for wetlands. The District would also support adoption of a definition of wetlands and riparian areas as described in Alternative No. 3.
4. The District supports policy consistent with the February 6, 1990 Memorandum of Agreement between the USACE and US EPA regarding mitigation under Section 404 of the CWA.
  5. The District supports policy clarifying that compensatory mitigation requirements must be based on the functions impacted as described in Alternative No. 3.
  6. The District understands the importance of a meaningful alternatives analysis for projects that cannot avoid discharges of dredge or fill material. We support requirements for meaningful alternatives analyses for most project types. These analyses should also consider the long term costs and benefits of each alternative.
  7. The District recommends better implementation of riparian and floodplain protection measures for upland development and alteration of land at the staff level to reduce impacts in receiving waters and thereby reduce the need for additional flood control projects. This includes review of CEQA documents (EIR, MND/ND) in advance of project review following an application for Waste Discharge Requirements or Section 401 Certification.
  8. The District requests clarification of the mechanism by which an applicant would obtain authorization for discharges of dredge or fill material in the absence of a Section 404 permit.
  9. The District requests clarification of the fee structure of a revised WDR program.

If you have any questions regarding these comments, please contact Gerhardt Hubner at (805) 654-5051 or [Gerhardt.Hubner@ventura.org](mailto:Gerhardt.Hubner@ventura.org).

Sincerely,



Jeff Pratt, P.E.  
Director

CC: Gerhardt Hubner, Deputy Director Water & Environmental Resources  
Pam Lindsey, Watershed Ecologist  
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