



## Central Sierra Environmental Resource Center

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

April 4, 2007

Song Her, Clerk of the Board  
Executive Office  
State Water Resources Control Board  
PO Box 100  
Sacramento, CA 95812-0100



**Re: Wetland and Riparian Area Protection Policy**

Our Center has reviewed the Informational Document and has the following comments.

Our Center supports Alternative 4 as proposed in the March 2007 Informational Document provided for the public scoping hearing for the Proposed Wetland and Riparian Area Protection Policy. Any policy designed to protect these habitats must rigorously address the cumulative impacts of wetland discharges and other land management actions. A comprehensive policy that acknowledges that the functions of wetlands and riparian areas are compromised by the removal of vegetation, pollutant discharges, hydro-modification, and other activities is needed to ensure that these areas retain their important ecological functions. The impacts of these activities on wetlands and riparian areas have been well-documented in the scientific literature. To implement Alternative 4, CSERC asks that the CEQA document include a list of specific land management activities (such as development, grazing, forestry, and agriculture) that would be newly subject to permitting or standards based on their potential to directly or cumulatively impair the functions of these habitats. Environmental changes that would result from expanding the scope of the SWRCB's jurisdiction should then be analyzed in the CEQA document.

CSERC strongly supports the proposal in Alternatives 3 & 4 to protect the functions of wetlands and riparian areas. As stated in the Informational Document, the average quality of wetlands achieved through mitigation were inferior to reference wetlands. Thus, while no wetland acres have been lost according to the State's "No Net Loss" Policy, there appears to have been a net loss of wetland habitat values and/or functioning in California. Given that only approximately 9% of the State's original wetlands and 2-15% of riparian areas remain intact, loss of additional wetland/riparian functions are likely have significant, negative impacts on their beneficial uses at a landscape level. Hence, our Center asks that the CEQA document provided specific thresholds at which mitigation for the loss of wetland/riparian functioning will be required and

evaluate the environmental consequences of adopting various thresholds. It should also acknowledge the past failures of present mitigation measures and propose redesigned mitigations with a detailed explanation of why these measures will be more successful at conserving wetland and riparian area functions.

Finally, our Center is very concerned about "anticipatory" fill or modification of wetlands and riparian areas conducted under agricultural exemptions but completed with the intent to avoid compensatory mitigation for future development. We ask that the SWRCB carefully consider mechanisms to provide significant disincentives to this practice or penalties that ensure that anticipatory destruction of wetland or riparian values cannot be done—and a year later the property owner then applies for a development permit. Such penalties might include provisions for requiring a 3-5 year delay in construction for approval of any project where anticipatory filling, dredging, or destruction of wetlands or riparian areas occurs prior to the filing of an application.

Thank you,



Michael Milne, CSERC biologist