



California Regional Water Quality Control Board

Central Coast Region



Linda S. Adams
Secretary for
Environmental
Protection

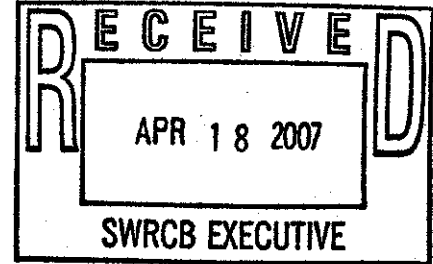
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Arnold Schwarzenegger
Governor

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

April 18, 2007

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



COMMENTS ON PROPOSED WETLAND AND RIPARIAN AREA PROTECTION POLICY

Thank you for the opportunity to comment on the proposed Wetland and Riparian Area Protection Policy. The Regional Water Quality Control Board-Central Coast Region (Central Coast Water Board) has not had an opportunity to review this document and provide Board level comments. However, we have staff level comments.

SUPPORT FOR ALTERNATIVE-4

We fully support "Alternative-4: Develop a New State policy to Regulate a Variety of Discharges and Activities That Impact Wetlands and Riparian Areas."

Alternative-4 is the only proposed alternative implying the broad approach needed to protect and enhance water quality in the Central Coast Region; the other alternatives fall short of the needed protection.

Water quality protection has historically been reactive, based upon limiting the amount of pollutants deliberately discharged to water bodies. Although this approach is effective for point sources, it is not effective for many nonpoint source pollution issues, i.e., runoff and hydromodification. Many of our current water quality problems require wetland and riparian protection, particularly problems affecting aquatic habitat-related beneficial uses. A broad wetland and riparian protection policy would help us effectively and proactively protect water quality and many beneficial uses.

Accordingly, Alternative-4 is the only alternative presented that could result in the wetland and riparian protection vital to achieve many water quality objectives.



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SENSE OF URGENCY

The Central Coast Water Board believes there is an urgency to further develop, approve, and implement the proposed statewide Wetland and Riparian Area Protection Policy, as described in Alternative-4.

Agricultural ditches are being denuded of riparian vegetation at the encouragement of farm product buyers. Guidelines developed to help prevent *E. coli* 0157:H7 from contaminating crops are recommending the removal of "brush" (most likely riparian vegetation) from the banks of surface waters and replacement with easily maintained vegetation, or bare ground. The sooner such areas are under protection, the sooner this will stop.

Court decisions per Rapanos and Carabell have eroded our authority under Clean Water Act Section 401 for regulating stream modifications. . It is imperative that the State provide protection by providing the regulatory clarification as proposed in Alternative 4.

The Central Coast Region's population will continue to increase. With this growth comes increasing pressure on riparian and wetland areas, and consequently to water quality as well. We believe a formal riparian and wetland protection policy is needed as soon as possible, and is attainable within one year.

SCOPE OF ALTERNATIVE-4

The scope of Alternative 4 is the most appropriate of the Alternatives for the full range of needs it addresses. The positive environmental effects are greater than the more narrowly focused Alternatives 1, 2, and 3. The broad scope of the project (as described for Alternative-4) is needed to provide:

1. A foundation for effective implementation.
2. Support for local jurisdictions in coordinated implementation efforts.
3. Widespread public acceptance.
4. Coordination (and not overlap or duplicate) of related environmental protection policies.

MISCELLANEOUS COMMENTS

We have the following miscellaneous comments we ask you to consider:



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Implementation of Alternative-4 is not well characterized in the scoping document. An adequate implementation strategy must be developed to conduct appropriate economic impact analysis of the policy.

It is critical that the policy provide the framework for protection from impacts from the broad variety of activities identified in the scoping document. This will serve to demonstrate how other components of the policy (definitions, beneficial use designations) are to be implemented, and provide an opportunity to define and give regulatory direction on critical issues like hydromodification. Among the activities addressed, dredging, not just discharge of dredge spoils, but actual dredging, should be explicitly included or not.

With regards to beneficial uses, Alternative-4 should define and adopt additional beneficial uses for wetland and riparian areas. The scoping document is not clear on this point. Adoption would significantly reduce the burden on Regional Boards to conduct Basin Plan Amendments.

The policy could provide invaluable guidance in clarifying that headwater, intermittent, and ephemeral streams are included among waters of the State. It could put to bed the confounding term "blue line stream," which is routinely exploited as the threshold of significance when it is nothing more than an artifact of a USGS cartographic methodology.

Develop the policy on a foundation of good science, and not consensus.

The definition of riparian area should include the area with woody vegetation, above the bankfull line, and not just the wetted perimeter of the stream. Protection of this area is vital to attaining many in-stream water quality parameters.

Sincerely,

Roger W. Briggs
Executive Officer