



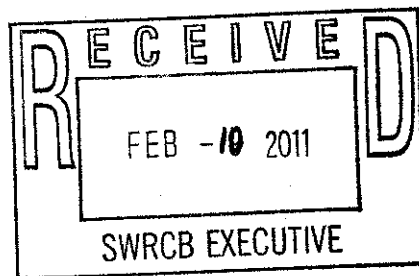
City of Santa Barbara

Community Development Department

Public Cmt Wrkshp (1/31 & 2/8)
CEQA-Wetlands Policy & Reg
Deadline: 5/20/11 by 12 noon

www.ci.santa-barbara.ca.us

February 10, 2011



Director's Office
Tel: 805.564.5502
Fax: 805.564.5500

Jeanine Townsend, Clerk to the Board
State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95812-2000

Building & Safety
Tel: 805.564.5485
Fax: 805.564.5476

Re: Notice of EIR Preparation for the Wetland Area Protection Policy and Dredge and Fill Regulations

Housing &
Redevelopment
Tel: 805.564.5461
Fax: 805.564.5477

Dear State Water Resources Control Board,

Planning
Tel: 805.564.5470
Fax: 805.897.1004

City of Santa Barbara staff have reviewed the Notice of EIR Preparation and Initial Study dated January 5, 2011, for the Wetland Area Protection Policy and Dredge and Fill Regulations. It is our understanding that the proposed project would create a new State wetland definition and assessment framework. The project would also establish a wetland regulatory mechanism for the State Water Board that would closely track with the federal Clean Water Act Section 404(b)(1) Guidelines.

630 Garden Street
PO Box 1990
Santa Barbara, CA
93102-1990

City staff support the State Water Board's goals to protect all waters of the State and provide a common framework for wetland assessment for California. In reviewing the NOP and Initial Study, we have two questions outlined below related to the specifics of implementation that we hope will be elaborated upon in the EIR and future project documents.

The first question pertains to how the proposed policies/regulations would mesh with current permitting practices in the Coastal Zone. Projects affecting waters within the City's Coastal Zone must currently obtain a coastal development permit from the City or Coastal Commission in addition to the Army Corps Section 404(b)(1) wetland permit and Water Board's 401 certification. Issuance of a CDP is based on the projects consistency with the City's Local Coastal Program, which incorporates the wetland definition and policies contained in the California Coastal Act. The proposed State Water Board wetland definition tracks closely with the federal 404(b)(1) definition, but appears to be measurably different than the wetland definition and delineation procedures currently supported by the California Coastal Commission (CCC). While it is a stated goal of the subject project to create a standardized wetland definition for the State, it appears that the initial plan for implementation of the proposed wetland definition and delineation procedures would only apply to the new Water Board permitting process and would not officially change the Coastal Act definition or CCC implementation procedures.

Given the requirements of the City's Local Coastal Program, it is important for us to understand how the proposed wetland definition, delineation, and regulatory procedures would track with the mandates and procedures set forth in the Coastal Act. What are the specific differences between the Coastal Act's wetland definition and dredge/fill restrictions and the proposed regulations and policy? Would there potentially be a time period where applicants in the Coastal Zone would need to analyze three different wetland definitions (Army Corps, Coastal, and State Water Board)? Is there a plan for standardization of the new definition and assessment with regard to other State agencies (CDFG and CCC) and could that potentially involve the need for local agencies to amend their Local Coastal Programs?

Our second question pertains to projects currently permitted under the Nationwide Permit process. Currently ACOE wetland permitting for several classes of development (restoration, flood control, repair and maintenance, bank stabilization, utility, marina modifications, etc.) are streamlined under the federal Nationwide Permitting process. Will there be a similar streamlined permitting process with the State Water Board wetland permitting process for these classes of development or would the full requirements for monitoring and wetland assessment required for regular permits apply?

The City of Santa Barbara is interested in the State Water Board's effort to enhance wetland protection and to standardize wetland assessment. Please keep us informed on the progress of the wetland protection policies and regulations.

Sincerely,



Melissa Hetrick
Environmental Analyst
Community Development Department

cc: Jim Armstrong, City Administrator
Paul Casey, Assistant City Administrator and Community Development Director
Bettie Weiss, City Planner
Debra Andaloro, Senior Planner
Danny Kato, Senior Planner
Karen Ramsdell, Airport Director
Andrew Bermond, Airport Planner
Pat Kelley, Assistant Public Works Director
Cameron Benson, Creeks Restoration and Clean Water Program Manager
George Johnson, Creeks Supervisor
Autumn Malanca, Water Resources Specialist
Karl Treiberg, Waterfront Facilities Manager