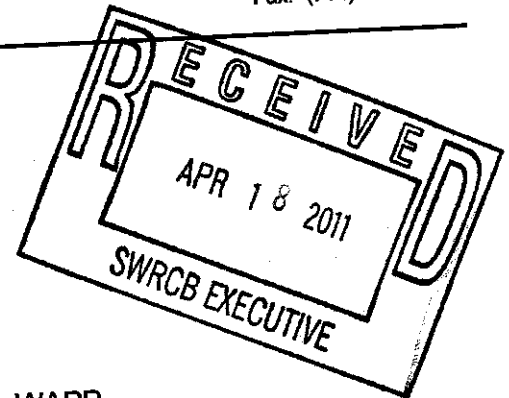


April 14, 2011

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



Subject: Comment Letter regarding the Notice of Preparation for the WAPP

Dear Ms. Townsend:

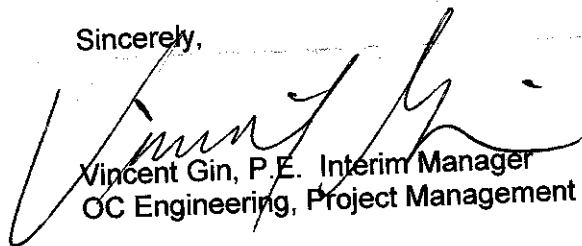
On behalf of OC Public Works I want to thank you for the opportunity to provide comments regarding the proposed draft Wetlands and Riparian Policy (WAPP) EIR Notice of Preparation. We have reviewed the Notice of Preparation/Initial Study Checklist (IS) dated 1-5-11 and offer the following comments:

- During our review of the Initial Study we noticed that all categories were checked "less than significant impact with mitigation incorporated"; the Initial Study also stated that future actions subject to this policy may potentially significantly impact the resource at hand, but the future project would be required to undergo a project-level CEQA review which would incorporate mitigation measures making the impact less than significant". The EIR should provide a detailed analysis of what those mitigation requirements referred to in the document are so that the impacts from those mitigations can be analyzed and it gives those whose projects would be subject to those mitigations an opportunity to comment on their validity.
- During the Scoping Meeting, it was stressed that mitigation should be carried out within the watershed where the impacts have occurred. Discussions in the EIR should include an analysis of areas outside the impacted watershed that may provide a better opportunity for restoration. Also a discussion of the use of banks and where banks are not available, other options. It should not be assumed that there are areas available within the watershed to conduct mitigation. In the case of flood control facilities, the inability to mitigate, due to lack of available land or exorbitant cost, could result in an inability to maintain existing flood control features which could result in a public safety impact that should be discussed in the EIR.
- During the Scoping Meeting, the State Representative stated that an exemption had been established for created wetlands, such as waste water treatment basins. We would like to see an analysis as to feasibility of that exemption expanding to include created wetlands for storm water treatment, possibly as a project alternative.

- When looking into the development of the alternatives the following items should be kept in mind:
  - The need for consistency with other regulatory programs, such as 404 ACOE permits and the Mitigation Rule;
  - The need to avert additional regulatory requirements;
  - The need to analyze the impact of the proposed policy on operations of municipalities, special districts, and utilities
  - The need for streamlined permitting for small/minimal impact projects

We look forward to reviewing the Draft Environmental Impact Report as well as working with you in the development of the WAPP implementation policies in the future. Please send a copy of the document to my attention and should you have any questions, feel free to contact me at 714 834-5732.

Sincerely,



Vincent Gin, P.E. Interim Manager  
OC Engineering, Project Management Section

CC: Jess A. Carbajal, Director  
Ignacio Ochoa, Director/Chief Engineer, OC Engineering