



California Regional Water Quality Control Board

San Diego Region



Linda S. Adams
Secretary for
Environmental Protection

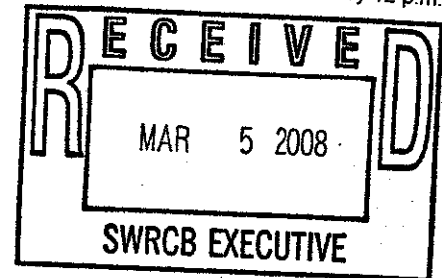
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3/18/08 Bd. Mtg. Item 11
Wetlands & Riparian Areas
Deadline: 3/5/08 by 12 p.m.

TO: Jeanine Townsend
Clerk to the Board



FROM: 
John H. Robertus
Executive Officer

SAN DIEGO REGIONAL WATER QUALITY CONTROL BOARD

DATE: March 5, 2008

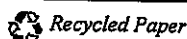
SUBJECT: **COMMENTS ON THE DRAFT RESOLUTION TO DEVELOP A POLICY TO PROTECT WETLANDS AND RIPARIAN AREAS**

Following are comments on the State Water Resources Control Board's Draft Resolution entitled *Development of a Policy to Protect Wetlands and Riparian Areas in Order to Restore and Maintain the Water Quality and Beneficial Uses of the Waters of the State*. The Draft Resolution appears to have been developed around alternative 4 from the March 2007 Scoping Document. I support this approach because alternative 4 provided the strongest and broadest protection for wetlands of the four alternatives put forward.

I have the following comments on the Draft Resolution:

1. The Draft Resolution mentions intermittent and ephemeral drainages only once; in "Resolved" No. 2 on page 2, and implies that intermittent and ephemeral drainages are included in "riparian areas." For emphasis and clarification, the text "riparian areas" should be changed to "riparian areas, including intermittent and ephemeral drainages" wherever it appears in discussions of Phase 3.
2. The Draft Resolution should include a time frame for developing Phases 2 and 3 of the policy. The San Diego Region and inland areas of other regions need this policy to protect beneficial uses located within intermittent and ephemeral drainages. Without a specific time frame for developing Phase 3 of the policy, in which intermittent and ephemeral drainages are addressed, this part of the policy may arrive too late to protect many important intermittent and ephemeral drainages in this region.

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3. To ensure that Policy development receives the intended amount of attention, the Draft Resolution should contain a specific funding and/or resource commitment for at least the first, if not all, of the three implementation phases.
4. Finding 8 should be rewritten to clearly articulate the need for the Policy. Replace Finding 8 with the following text:

"Despite fair compliance with the state's 401 Water Quality Certification Program, which constitutes the state's mechanism to implement the "no net loss" provision of the California Wetlands Conservation Policy, California continues to lose "functional wetlands" at an increasing rate. This fact is documented in a State Water Board research study contracted with UCLA titled *An Evaluation of Compensatory Mitigation Projects Permitted Under Clean Water Act Section 401 by the California State Water Resources Control Board, 1991-2002*. The current implementation of the 401 Water Quality Certification Program does not adequately protect functional wetlands. Unfortunately, compliance with regulatory requirements has not resulted in resource protection. Clearly, there is a need for a strong statewide policy. The purpose of the proposed Policy is to ensure no further net loss and ultimate long-term gain in the quantity and quality of "functional" wetlands within the State. Successful implementation of the proposed Policy will be assessed via measurable environmental outcomes."

Thank you for considering these comments. If you have any questions, please contact Ms. Chiara Clemente of my staff at (858) 467-2359, or by email at ccllemente@waterboards.ca.gov.