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GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board

REVISED
NOTICE OF OPPORTUNITY FOR PUBLIC COMMENT
AND
NOTICE OF PUBLIC COMMENT WORKSHOPS, PUBLIC HEARING, AND FILING¹

PROPOSED AMENDMENTS TO THE CALIFORNIA OCEAN PLAN AND INLAND SURFACE WATERS, ENCLOSED BAYS, AND ESTUARIES OF CALIFORNIA PLAN TO INCLUDE PROCEDURES FOR DISCHARGES OF DREDGED OR FILL MATERIALS TO WATERS OF THE STATE (FORMERLY KNOWN AS THE WETLANDS POLICY)

NOTICE IS HEREBY GIVEN that the State Water Resources Control Board (State Water Board) will receive public comments on the Proposed Amendments to both the Water Quality Control Plan for Ocean Waters of California (Ocean Plan), and the Water Quality Control Plan for Inland Surface Waters, Enclosed Bays, and Estuaries of California (ISWEBE Plan) to Include procedures for discharges of dredged or fill materials to waters of the state (proposed Amendments), and the Draft Staff Report, including the Draft Substitute Environmental Documentation (Draft SED).

On July 19, 2016, the State Water Board held a Public Hearing on the proposed Amendments and received requests for an extension of the public comment period. The State Water Board, in consideration of these requests, is extending the comment period an additional two weeks. The deadline for submission of written comments on the proposed Amendments and Draft Staff Report is now 12:00 Noon on Thursday, August 18, 2016. The purpose of this extension is to allow for detailed comments from reviewers of the proposed Amendments and the Draft SED. Specific requested language changes are preferred in bold strike-out and bold underline format. Detailed comments and specific requested language changes will facilitate followup discussions by State Water Board staff with the commenters.

The State Water Board ~~has held~~ will hold two public workshops to provide information and answer questions from the public on the proposed Amendments and Staff Report.

June 28, 2016
1:00 p.m.

Los Angeles Regional Water Quality Control Board, Carmel Room
320 West Fourth Street, Suite 200
Los Angeles, CA 90013

July 7, 2016
10:00 a.m.

Central Valley Water Quality Control Board Sacramento Office, Auditorium
11020 Sun Center Drive, Suite 200,
Ranch Cordova, CA

¹ Notice of Filing submitted under California Code of Regulations, title 23, section 3779.

The State Water Board ~~has held~~ will hold a public hearing to receive public input and comments on the proposed Amendments and adequacy of the Draft SED.

Tuesday, July 19, 2016 9:00 a.m.
Joe Serna Jr. - Cal/EPA Headquarters Building
Coastal Hearing Room
1001 I Street, Second Floor
Sacramento, CA 95814

BACKGROUND

The State Water Board is considering amendment to the Ocean Plan and the ISWEBE Plan to adopt procedures for discharges of dredged or fill material to waters of the state (proposed Procedures). The proposed Procedures consist of the following components: 1) a wetland definition; 2) wetland delineation procedures; and 3) procedures for applications, and the review and approval of Water Quality Certifications, Waste Discharge Requirements, and waivers of Waste Discharge Requirements for dredged and fill activities.

The State Water Board developed the proposed Procedures to address several important issues. First, there is a need to strengthen protections for waters of the state that are no longer protected under the Clean Water Act (CWA) due to U.S. Supreme Court decisions. Second, there is inconsistency across the Water Boards in requirements for discharges of dredged or fill material into waters of the state, including wetlands. There is no single accepted definition of wetlands at the state level, and the Water Boards may have different requirements and levels of analysis with regard to the issuance of dredge or fill Orders. Third, current regulations have not been adequate to prevent losses in the quantity and quality of wetlands in California, where there have been especially profound historical losses of wetlands.

The proposed Procedures have been previously referred to by the State Water Board as the Water Quality Control Policy for Wetland Area Protection and Dredged or Fill Permitting. However, for administrative purposes, the decision was made to convert the policy into amendments to the Ocean Plan and the ISWEBE Plan. The title has been updated to better communicate to the public that the proposed dredge and fill procedures apply to all waters of the state, including both waters of the United States and waters of the state outside of federal jurisdiction, not just to wetlands. Please note that these procedures would not apply to suction dredge mining activities for mineral recovery.

DOCUMENT AVAILABILITY

The proposed Procedures and related documents and information are available on the State Water Board's web site at:

http://www.waterboards.ca.gov/water_issues/programs/cwa401/wrapp.shtml.

You may request a paper copy of the proposed Procedures by contacting Ana Maria Saenz at (916) 341-5480 or AnaMaria.Saenz@waterboards.ca.gov

Additional information on the hearing in Sacramento can be found at the State Water Board's web site at:

http://www.waterboards.ca.gov/board_info/calendar/.

SUBMISSION OF WRITTEN COMMENTS

The State Water Board will accept both written and oral comments on the proposed California Ocean Plan and Inland Surface Waters, Enclosed Bay, and Estuaries of California Plan amendments. Written comments must be received by ~~12:00 Noon on Thursday, August 4, 2016~~ **12:00 Noon on Thursday, August 18, 2016**, and addressed to:

Jeanine Townsend, Clerk to the Board
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814

Comment letters may be submitted electronically, in pdf text format (if less than 15 megabytes in total size), to the Clerk to the Board via e-mail at commentletters@waterboards.ca.gov. If the file is greater than 15 megabytes in total size, then the comment letter may be submitted by fax at (916) 341-5620. Please indicate the subject line: **"Statewide Dredged or Fill Procedures"**

Couriers delivering hard copies of comment letters must check in with lobby security personnel, who can contact Jeanine Townsend at (916) 341-5600.

CALIFORNIA ENVIRONMENTAL QUALITY ACT

This is to advise that the State Water Board is proposing to adopt or amend the Ocean Plan and the forthcoming ISWEBE Plan in accordance with a regulatory program exempt under Section 21080.5 of the Public Resources Code from the requirement to prepare an environmental impact report under the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) and with other applicable laws and regulations.

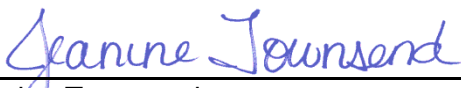
FUTURE NOTICES

Any person desiring to receive future notices concerning the Proposed Amendments, including any changes to the notice of public hearing and consideration of adoption, must sign up for the Lyris e-mail list. To sign up for the Lyris list, access the E-mail List Subscription form, select the box for 'Wetland and Riparian Area Protection Policy' (located within the section entitled 'Water Quality Topics'), and provide the required information. The subscription form is located at: http://www.waterboards.ca.gov/resources/email_subscriptions/swrcb_subscribe.shtml.

CONTACT INFORMATION

Questions regarding this notice may be directed to Ana Maria Saenz at (916) 341-5480 (AnaMaria.Saenz@waterboards.ca.gov) or Bill Orme at (916) 341-5464 (Bill.Orme@waterboards.ca.gov)

Date July 22, 2016



Jeanine Townsend
Clerk to the Board