

# Northern California Conservation Planning Partners

East Contra Costa  
County HCP/NCCP

Placer County  
Conservation Plan

South Sacramento  
HCP

San Joaquin County  
HCP

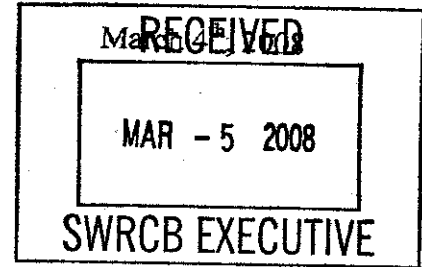
Santa Clara Valley  
HCP/NCCP

Solano HCP

Yolo Natural Heritage  
Program

Yuba - Sutter  
HCP/NCCP

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



Re: Comment on Proposed Board Resolution to Develop a Policy to Protect Wetlands and Riparian Areas

Dear Jeanine Townsend:

Thank you for the opportunity to comment on this proposed resolution.

The development of a California Wetlands and Riparian Areas Protection Policy could be an important step toward better defining the State's approach to protecting wetland and riparian areas and could help improve both the efficiency and the effectiveness of these efforts. Two issues in the proposed resolution are particularly germane to effective conservation of wetlands at the County and Subcounty scale - the watershed-based approach [item 2] and sequential avoidance, minimization and mitigation of impacts [item 6, part (c)].

It will be most beneficial to the overall conservation and restoration of wetlands and wetland functions if the State Board's policy recognizes the great value of large scale (county and subcounty) multi-species Habitat Conservation Plans (HCPs) and Natural Community Conservation Plans (NCCPs). The policy needs to provide a programmatic mechanism that allows HCPs and NCCPs to mesh with the state Wetlands and Riparian Areas Protection Policy.

This will fit with a proposal in Section D(2)(c) of the State Board's report Regulatory Steps Needed to Protect and Conserve Wetlands not Subject to the Clean water Act ( Report to the Legislature Supplemental Report of the 2002 Budget ). It states "One way to support local governments in integrating wetland protection into their planning and development approval processes would be to issue general permits / 401 certifications for

NCCPP Coordinator: Institute for Ecological Health  
409 Jardin Place, Davis CA 95616  
[ieh@cal.net](mailto:ieh@cal.net) (530) 756-6455

projects conducted in accordance with approved wetland conservation plans, thus facilitating permitting for such projects. Precedents for such general permitting include municipal storm water permits, local permitting of septic systems, management agency agreements for nonpoint source management, and local coastal plans.”

Some initial large-scale HCP and NCCPs just addressed the conservation of endangered, threatened and sensitive species. Now they almost always include programmatic, watershed or landscape-based, approaches to the conservation and restoration of streams, wetlands and riparian areas. In northern California these planning efforts are being linked to programmatic approaches for permitting under Section 404 of the Clean Water Act. Some involve U.S. Army Corps of Engineers Special Area Management Plans (SAMPs) and/or Regional General Permits.

The State Board’s resolution proposes a watershed-based approach. The State Board’s 2002 report states this is necessary to protect three functions - floodwater retention, pollutant removal and habitat connectivity (connections between wetlands). However HCPs and NCCPs recognize the need to take a much broader view of watersheds and landscapes in order to protect the ecological and hydrological integrity of wetlands.

In addition, the State Board’s resolution proposes sequential avoidance, minimization and mitigation of impacts [item 6, part (c)]. Unfortunately, implementation of this approach at the project level often results in tiny, isolated, “postage stamp” wetland preserves surrounded by suburban development and unable to maintain ecological and hydrological integrity over the long term.

A consideration of vernal pools exemplifies these issues. Vernal pools occur in large grassland landscapes, sometimes tens of thousands of acres, as vernal pool complexes. HCPs and NCCPs focus on establishing large vernal pool grassland preserves, often of many thousand acres, that encompass high quality vernal pools as well occurrences of listed and sensitive species. This landscape-scale conservation provides for the long-term ecological and integrity of the vernal pools. It ensures that entire sub-watersheds are protected - essential for hydrological integrity. It recognizes that there is a myriad of biological interactions between the vernal pools and the grassland uplands. [For example, solitary bees that pollinate vernal pool plants require significant uplands. California tiger salamanders breed in vernal pools but travel a mile or more to aestivate in upland burrows.] It accepts basic conservation biology and landscape ecology principles which tell us that large preserves provide for the full variety of ecosystem functions and processes that maintain the integrated wetland-upland landscape and also minimize adverse impacts from incompatible land uses outside the preserves.

HCPs and NCCPs implement this ecological and hydrological need by delineating conservation areas and future development areas and having a plan-area (regional) approach to permitting. They establish large, landscape scale preserves with high quality habitats that are linked by effective wildlife corridors, including stream-riparian corridors. If a particular development project has a high quality vernal pool complex, then a large avoidance area, including very large

expanses of uplands will be necessary. This is much more effective than is achieved under traditional Section 404 Clean Water Act project permitting. Conversely, if a development project just has scattered, low quality, vernal pools and no critical vernal pool species occurrences, then little or no on-site avoidance is required. Mitigation occurs offsite in locations with higher value resources.

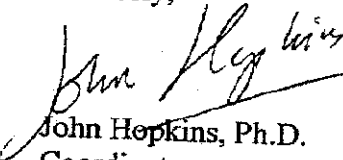
We ask that the State Board direct staff to prepare a Wetlands and Riparian Areas Protection Policy that takes advantage of these opportunities provided by HCPs and NCCPs. This includes a mechanism for recognizing, in the Policy and its implementation, the high level of conservation of aquatic and riparian resources that HCPs and NCCPs can provide and establishing an approach to wetlands regulation that is coordinated with these HCPs and NCCPs. It includes recognizing the great value regional planning and permitting provides through establishment of very large preserves, and by allowing the avoidance, minimization, mitigation system to function at the landscape-level. These steps will enable much greater protection of the functions and values of wetlands and riparian areas than a reliance on the project by project approach.

\*\*

The Northern California Conservation Planning Partners is an ad hoc association of eight county and subcounty scale Habitat Conservation Plans and Natural Community Conservation Plans in northern California

Thank you for considering our comments.

Sincerely,

  
John Hopkins, Ph.D.  
Coordinator