

DEPARTMENT OF FORESTRY AND FIRE PROTECTION

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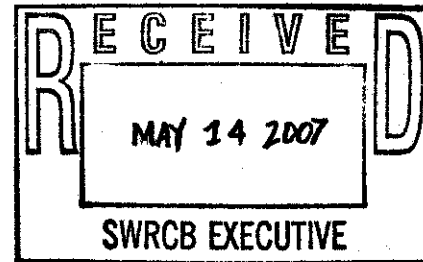
Wetland/Riparian Policy
Deadline: 5/15/07 12 noon

R50



May 14, 2007

Ms. Song Her
Clerk to the Board
State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95812-0100
Email: commentletters@waterboards.ca.gov



Dear Ms. Her:

SUBJECT: Comment Letter – Wetland and Riparian Area Protection Policy
(CEQA scoping proposed policy alternatives)

The California Department of Forestry and Fire Protection (CAL FIRE) has reviewed the "Wetland and Riparian Protection Policy Scoping Document" and has the following comments.

CAL FIRE agrees that Alternatives 1 through 4 cover the range of feasible alternatives.

CAL FIRE recommends that the State Water Resources Control Board (SWRCB) choose Alternative 2 as the preferred alternative. Alternative 2 would:

- Clarify the regulatory framework for protecting those wetlands that are no longer regulated under the federal Clean Water Act (CWA).
- Rely on the existing definition of wetlands and the existing methods for delineating wetlands, and would not establish competing or conflicting wetland definitions and delineation methods.
- Expedite the adoption of an effective new wetlands protection policy.

CAL FIRE recommends against selection of Alternative 3 as the preferred alternative. Alternative 3 would:

- Add new state definitions and delineation methods that may conflict or compete with the existing federal definitions and delineation methods.
- Add unnecessary complications which might delay the adoption a new wetlands protection policy.
- Make it more difficult for the state and federal government to work together to protect wetlands, particularly where contiguous or overlapping jurisdictions exist.

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CAL FIRE strongly recommends against selection of Alternative 4 as the preferred alternative. In addition to the disadvantages listed above for Alternative 3, Alternative 4 would:

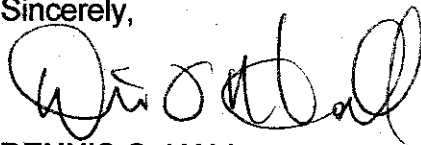
- Greatly delay the adoption of new wetlands protection policy by expanding the scope of the new policy from dredge and fill discharges to include such things as land and vegetation clearing activities, hydromodification (of watersheds) and invasive species.
- Potentially conflict with other state policies and regulatory programs affecting riparian areas.
- Potentially make it even more difficult for the various state agencies regulating riparian area activities to work together to protect riparian areas.
- Potentially create more confusion for the regulated public.

In the scoping document, the discussion of Alternative 4 cites several reasons why a broad riparian protection policy, one which goes beyond dredge and fill discharges, is needed. However, Alternative 4 would develop a riparian protection policy that is unique to the SWRCB. CAL FIRE believes that the best way to protect the environment and to best serve the public would be to develop a joint riparian protection policy which applies to all state agencies regulating activities in riparian areas. This strategy also makes sense in light of the fact that other state departments such as Fish and Game must also implement a coho recovery strategy and they too have a vested interest in a comprehensive approach to protection of riparian functions. CAL FIRE would look forward to working with the SWRCB and the State Board of Forestry and Fire Protection to develop a joint riparian protection policy.

A joint riparian protection policy, if developed and adopted, could help to ensure that adequate and appropriate riparian protection measures are applied equitable across the landscape regardless of a landowner's management objectives for those areas. CAL FIRE recognizes this type of broad joint riparian protection policy will take longer to develop than the wetland protection policy which focuses on dredge and fill material discharges. Alternative 2 will cover the immediate need to fill the gap between federal and state wetland protection which has developed over the last several years. Based on this, CAL FIRE recommends Alternative 2 as the preferred alternative.

Thank you for this opportunity to comment. If you have any questions, please contact Clay Brandow of my staff at (916) 653-0719 or clay.brandow@fire.ca.gov.

Sincerely,



DENNIS O. HALL
Staff Chief, Forest Practice

cc: State Board of Forestry and Fire Protection