



## County of Sacramento

Wetland/Riparian Policy  
Deadline: 4/19/07, 12 noon

April 6, 2007

Song Her  
Clerk to the Board  
Executive Office  
State Water Resources Control Board  
P.O. Box 100  
Sacramento, CA 95812-0100



### Subject: Comment Letter – Wetland and Riparian Area Protection Policy

Dear State Water Board:

This letter responds to the "Notice of Public California Environmental Quality Act (CEQA) Scoping Meeting" issued on March 15, 2007, regarding the *Proposed Wetland and Riparian Area Protection Policy* (Policy). The Sacramento County Airport System (County Airport System) is generally concerned that interpretation and application of the proposed Policy could in some instances conflict with the safe operation of public-use airports in the State of California, as well as federal and State regulations pertaining to the licensing and operation of airports. Detailed comments are below. In summary, however, the potential effects of the Policy that should be analyzed pursuant to CEQA are as follows:

- Prescribed angles of landing approach require that airports be located in areas free of surface obstructions. Consequently, airports are by necessity located in flat areas, many of which are surrounded by wetlands and riparian habitat.
- Parallel with the State's expanding population and economic base, California airports are projected to serve a growing number of passengers and flight operations in the coming decades. This growth may in some cases necessitate expanding airport facilities into wetland and riparian areas.
- Wetlands can attract waterfowl and other wildlife hazardous to aircraft operations, resulting in potential loss of life and damage to aircraft. Commercial service airlines in the United States annually incur millions of dollars of damage to aircraft due to collisions with birds ("bird strikes") and other wildlife common to wetland and riparian habitats. Airport operators are therefore obligated to alter natural features near airports in order to reduce wildlife threats to aircraft, passengers and aircrew.

### **The Sacramento County Airport System (SCAS)**

The County Airport System operates four public-use airports, and manages the airport operations of the former McClellan Air Force Base on behalf of the County's Department of Economic Development and Intergovernmental Affairs (DEDIA). SCAS facilities include the following:

- **Sacramento International (SMF):** Serving at least 15 northern California counties, this airport now ranks 40<sup>th</sup> in the United States in terms of enplaned passengers. During 2006, total enplaned and deplaned passengers exceeded 10.3 million. Since 2002 a number of major airlines have started regularly scheduled service at SMF, including Aloha, Express Jet, Frontier, Hawaiian, Jet Blue, Mexicana, and Air Canada (starting June 2007), bringing the total to 15 airlines. SMF also supports General Aviation (GA) and cargo operations. The airport features two parallel runways of 8,600 feet in length, and a third runway is planned for construction between the years 2020 and 2030. The airport is currently comprised of almost 5,700 acres, more than half of which is outside the Airport Operations Area (AOA).

Wetland delineations have been performed and approved by the United States Army Corps of Engineers for about two-thirds of the SMF acreage. To provide increased land use compatibility with the approach and departure zones for aircraft, the SMF Master Plan contemplates the acquisition of an additional 803 acres of land that now borders the airport, some of which is comprised of wetlands and riparian habitat that may require management to restrict use by wildlife hazardous to aircraft operations. In addition, some of the land currently outside the AOA will experience development in the coming years pursuant to the Master Plan, in order to facilitate the airport's expansion. Such development will include parking facilities and commercial development complementary to airport operations.

- **Mather Airport (MHR):** The County Airport System is one of three County agencies which operate facilities at this former Air Force Base. MHR is the designated SCAS cargo facility, and GA activities also occur. The County is developing a South Mather Wetland Management Plan to preserve a large area of vernal pools south of the airport perimeter, but many vernal pools are situated within the airfield itself. While the draft Master Plan for MHR contemplates only limited development that may impact vernal pools, the airfield wetlands must be managed in a manner that does not induce the presence of hazardous wildlife. Such vernal pools will be protected to the extent feasible, but human life safety will take priority.
- **Executive Airport (SAC):** This GA facility has no known wetlands or riparian habitat.
- **Franklin Field (F72):** This facility in southern Sacramento County has no on-site personnel and experiences limited use. A combined Master Plan for SAC and Franklin Field is being developed, however, which could propose future expansion of this airport. Wetlands on the airfield have been delineated, and other wetlands are nearby.

### **General Background**

Concomitant with California's economic and population expansion, most commercial aviation airports in the state have experienced significant growth in recent years, and continued growth is expected. For example, Table 1 (last page) summarizes the most recent Federal Aviation Administration (FAA) forecast for aircraft operations and passenger boardings (enplanements) at Sacramento International through the year 2025. Between 2005 and 2025 aircraft operations are expected to increase by 57 percent, and passenger enplanements are anticipated to increase by 90 percent. To accommodate such growth, many airports such as SMF are developing master plans that identify locations and general parameters for additional runways and taxiways. In the case of Sacramento International, the Master Plan for the period 2005-2020 anticipates that one of the existing 8,600-foot long parallel runways must be increased by 2,400 feet (to a total length of 11,000 feet) after the year 2014 to accommodate the anticipated demand for transcontinental flights, primarily to European destinations such as Frankfurt. This extension will necessitate filling a portion of the Jacobs Slough wetland north of the east runway (16L/34R).

### **State Aeronautics Act**

The California Code of Regulations Title 21 (Sections 3525 – 3560) specifies operating requirements for airports and heliports in the State of California. These regulations are enforced by the California Department of Transportation – Division of Aeronautics. The State Water Board's proposed Policy and associated CEQA analysis must consider Title 21 and any implications that the proposed wetland protection measures may have for airport design and operating standards. We therefore strongly suggest that the State Water Board consult with Caltrans.

### **Federal Regulations**

A variety of federal regulations govern the certification, design and operation of airports. We strongly suggest that the policy and any accompanying CEQA documentation fully evaluate those documents, and that the State Water Board consult with the FAA in this regard. With regard to the proposed Policy, the most pertinent requirements are embodied in the federal Code of Regulations 14, Part 139.337 – Wildlife Hazard Management. The implementing FAA policy for this regulation is Advisory Circular (AC) 150/5200-33A, "Hazardous Wildlife Attractants on or Near Airports," issued July 27, 2004. This document describes the threat to aviation safety created by wildlife that typically occupies wetlands. In summary, the AC requires airport operators to manage wetlands to reduce wildlife attractants and to vigorously oppose the creation of wetlands within five miles of airports. Further, the AC requires airports serving turbine-powered ("jet") aircraft to eliminate or mitigate hazardous wildlife attractants—including wetlands—within a 10,000 foot perimeter of airport runways. This 10,000-foot "Critical Zone" is shown on the attached SMF exhibit. Most recently, in November 2006 the FAA issued Cert Alert 06-07, which requires public use airports to deny requests by state agencies to place habitat on airport property for species listed as "threatened" or "endangered" under state endangered species laws.

**Specific Comments on March 2007: "Informational Document"**

The following comments reference specific sections of the background Informational Document issued by the State Water Board in conjunction with the proposed Policy.

Conditions of Wetlands and Riparian Areas in California, pages 2 – 3

The third bullet on page 3 notes that on average the quality of created, restored or enhanced wetlands is of lower quality than intact wetlands. When airport improvements necessitate removing or altering wetlands, the resulting mitigation cannot be accommodated near the airport, pursuant to the above referenced FAA policies. By necessity, wetlands simply cannot be mitigated on-site. In the case of SMF, this requirement has been acknowledged by the Sacramento regional offices of the United States Fish and Wildlife Service and the United States Army Corps of Engineers, which enforces the wetland provisions of the federal Clean Water Act. We suggest that the State Water Board's contemplated Policy should consider the same acknowledgement. Wetlands created pursuant to CEQA and NEPA<sup>1</sup> mitigation requirements may indeed have functions and values lower than the impacted wetlands, but public safety dictates that such mitigation sites be placed at least five miles from the nearest airport.

The State's Role in Protecting Wetlands and Riparian Areas (p. 4 – 5)

The first bullet states that due to recent federal court decisions, "Waters of the state include waters of the United States, but also include those waters excluded from federal jurisdiction." Again, while it may be desirable to protect such "waters of the state," the Federal Aviation Administration may be of the opinion that federal requirements regarding airport safety should preempt or take priority over a state's desire to protect state jurisdictional waters. Consultation with the FAA in this matter is highly advisable.

Project Alternative 3 (pages 11 – 14)

This project alternative would entail developing a new "State Policy to Regulate Impacts of Dredge or Fill Discharges to Wetlands and Riparian Areas." It is again suggested that the State Water Board consult with the FAA and the Caltrans Division of Aeronautics in preparing such an alternative. Airports must be granted the ability to fill or otherwise modify wetland and riparian areas, pursuant to appropriate State permits, when such action is necessary to accommodate airport expansion, and when doing so is the only practicable means by which to reduce or eliminate wildlife hazards. Trapping, relocating or otherwise removing hazardous wildlife simply addresses the symptom, whereas land management techniques are the best long-term approach to restricting site usage by hazardous wildlife.

Project Alternative 4 (pages 14 – 17)

This last project alternative describes a prospective policy to regulate a variety of discharges and other activities, including land and vegetation clearing. Again, the FAA and Caltrans Division of Aeronautics must be consulted in development of this policy. Wetland and riparian vegetation frequently offers nesting, roosting and foraging habitat for a variety of wildlife species that can intrude into aircraft movement areas, thereby posing

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<sup>1</sup> National Environmental Policy Act

an economic and human safety threat. Airports which incur bird strikes must adopt a *Wildlife Hazard Management Plan (WHMP)* in accordance with FAA guidelines, and WHMPs typically describe land and vegetation clearing procedures for controlling hazardous wildlife. (Again, aircraft bird strikes in the United States cause millions of dollars of damage annually; various FAA reports fully document this phenomenon.) Page 16 describes potential policy requirements for compensatory mitigation requirements. Again, existing California and federal requirements preclude such mitigation on or near airports if such mitigation activities would induce or exacerbate hazardous wildlife conditions. The County Airport System recommends that the State Water Board consult with Caltrans and FAA in this regard.

The Sacramento County Airport System greatly appreciates the opportunity to submit scoping comments relative to the proposed Wetland and Riparian Area Protection Policy. Questions may be directed to me at the telephone number or email address below, or to Senior Natural Resource Specialist, Janae Scruggs at 916-874-0820.

Sincerely,



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Office of Planning and Environment  
Sacramento County Airport System  
916-874-0698  
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**Table 1**

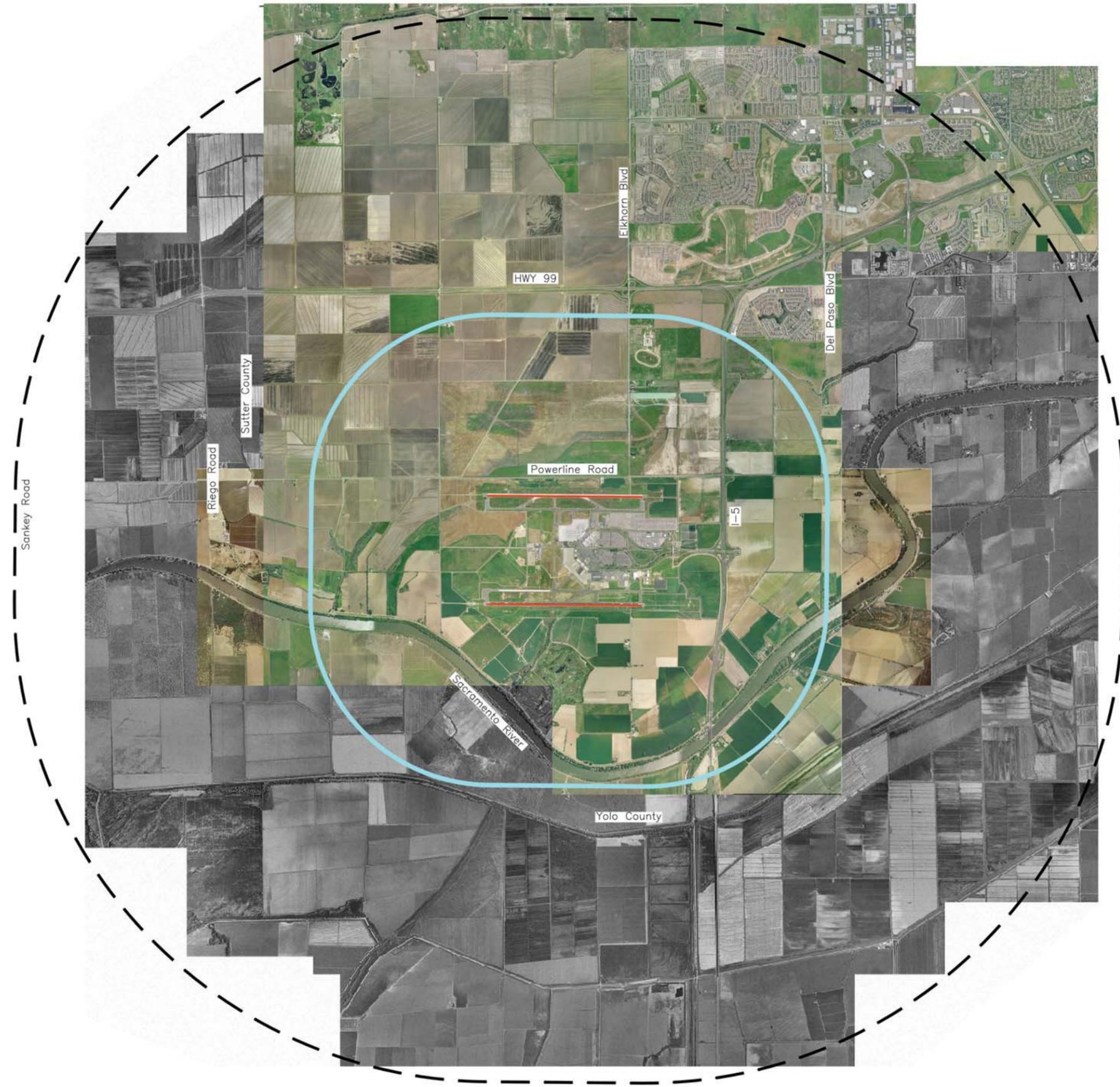
**Aircraft Operations and Enplanements – FAA TERMINAL AREA FORECAST  
Sacramento International Airport (SMF)**

<b>Year</b>	<b>Annual Aircraft Operations</b>	<b>Annual Commercial Passenger Enplanements</b>
2005 <sup>(1)</sup>	167,763	5,104,404
2010	185,685	5,783,416
2015	209,180	6,875,472
2020	234,697	8,174,485
2025	263,548	9,719,831

Source: Federal Aviation Administration, *Terminal Area Forecast (TAF)*, issued February 2006.  
<sup>(1)</sup> 2005 data is actual as reported by SMF.

Attachment: Exhibit: SMF Critical Zone and Five-Mile Radius

C: Robert B. Leonard, Chief Operating Officer – SCAS  
Lisa J. Stanton, Chief Administrative Officer – SCAS  
Monica R. Newhouse, Manager – Office of Planning and Environment, SCAS  
Janae R. Scruggs, Senior Natural Resource Specialist – SCAS  
Andrew Richards, Manager – FAA San Francisco District Office (ADO)  
Mark A. McClardy, Manager – Airports Division, FAA Western-Pacific Region  
Colette Armao, Associate Transportation Planner – Caltrans Div. Of Aeronautics



LEGEND	
	10,000' Critical Zone
	5 mile radius
	Runway Centerline

