

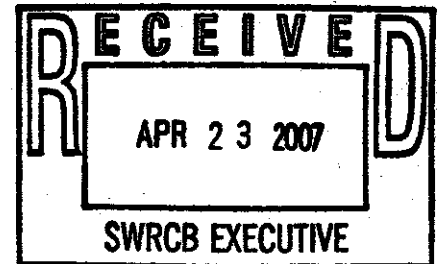


Humboldt County Farm Bureau

5601 So. Broadway, Eureka, CA 95503
Serving Agriculture Since 1913

April 19, 2007

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



Re: CEQA Scoping Comments – Proposed Wetland and Riparian Area Protection Policy

Dear Ms. Her:

The Humboldt County Farm Bureau hereby submits some of its concerns relating to the proposed Wetland and Riparian Area Protection Policy.

1. Several of the Alternatives Involve Regulatory Overlap

The Agricultural Community is already subject to numerous Federal, State and local laws and regulations concerning their operations and uses of their lands. We believe that any alternative should not result in the duplication or expansion of the regulatory scheme in place. The Board should carefully consider whether such potential overlap, duplication, and potential for conflict and inconsistency are wise uses of the Board's limited resources, and the environmental document should thoroughly explore this existing baseline regulatory regime as part of the "no action" alternative.

2. A Couple of the Alternatives May Result in the Regulation of Land Use

Alternatives 3 and 4 appear to go quite beyond regulation of the impacts of dredge or fill materials to wetlands and regulate activities on "riparian" lands, including what the scoping document enumerates as "land and vegetation clearing activities" and "hydromodification". These alternatives appear to exceed the Board's authority under the Water Code if there are not direct impacts to the waters of the state at issue. Rather, these alternatives appear to put the Board in the position of regulating land use activities that are quite remote from traditional water quality concerns, and may impermissibly intrude upon local authority over land use.

3. Potential changes to Existing Land Uses Must be Considered

The environmental document must address the individually significant and cumulative effects of land use changes or conversions that could result from implementation of the alternatives. Among the effects that will have to be analyzed under the range of alternatives are the potential impacts to grazing, vineyard and orchard cultivation, timber harvest, development of agri-tourism and other agricultural value-added facilities, maintenance of roads and stream crossings, environmental restoration projects, surface water diversions and groundwater production, and a variety of other actions on farms and ranches and related businesses in the State. The degree of impact on these activities will largely be a function of how extensively the Board defines the geographic or physical scope of wetlands, flood plains, and riparian areas that will be protected by the policy.

Our members have particular concerns over the potential for policy alternatives to interfere with, or otherwise impact, routine maintenance of rivers, creeks and streams, as well as adjacent riparian areas, resulting in a loss of flood capacity and loss of recharge as riparian habitat and non-native species are potentially allowed to flourish in our state's rivers, creeks and streams and their adjacent riparian areas. The proposed alternatives could also hamper farmers' and ranchers' ability to maintain riparian habitat on their private property for food, safety or other purposes.

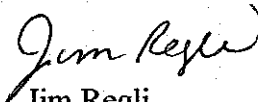
4. An Exemption for Normal Farming and Ranching Activities Should be Considered

We would suggest that a policy alternative that would provide an exemption for normal farming and ranching activities be considered. This would be consistent with longtime application of the Federal Clean Water Act. Such an exemption could contemplate not only a waiver of WDRs for such normal agricultural activities, but also direction to ensure that application of beneficial use designations do not impact those activities and associated receiving waters.

We have previously commented to the North Coast Regional Water Quality Control Board on the same or similar subject. We forward by attachment the comments we previously submitted for your consideration in your present process.

Thank you for allowing us to participate.

Very Truly Yours,



Jim Regli
President



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Mr. Bruce Ho
California RWQCB, North Coast Region
5550 Skylane Blvd. Suite A
Santa Rosa, CA 95403

December 13, 2006

Subject: Comments on the Proposed Stream and Wetland Protection Policies
Amendment to the Basin Plan

We would first like to thank you for providing the opportunity to review the proposed subject policies and your efforts to gain public comment about the potential environmental and other effects of the proposed policies and their implementation.

The following comments are being sent in behalf of the Humboldt County Farm Bureau.

Effects on Historic Resources and Development, Agricultural Resources, and related Cultural Resources and Activities-

The environmental document needs to address the historic development (post European settlement) of the floodplains and adjoining uplands especially as it concerns agriculture related investments (public and private) and current activities.

In most cases, the agricultural activities were carried out through a Federal and State program concerning Swamp and Overflowed Lands. They served as some of the most significant investments in the agricultural economy during and after the European settlement of the region.

Agricultural investments within diked former tidelands (and their adjoining upland areas) need to be acknowledged and treated in the context of the significant economic and social contributions to the areas involved.

The changes of agricultural practices that are ongoing include modifications related to organic operations (dairy, livestock and food production). These must be recognized and addressed.

Routine maintenance and repair of existing (and in some cases historic) structures and facilities need to be addressed. The owner, whether public or private, has the right to accomplish routine activities without unnecessary interference, costs or adverse effects owing to the regulatory process.

The policies concerning restoration needs to address the competing interests of previous public and private investments and currently allowed activities relating to agriculture and other resource management (including public) issues. The environmental document must also assess the competing priorities as established in local government Land Use Plans and those found within the Coastal Act.

The feasibility of implementation needs to take into account potential negative effects upon the social and cultural resources of the region.

Land Use Conversions, especially out of agricultural uses-

The environmental document needs to address the cumulative effects of land use conversions that could result from the implementation of the policies/regulations. Within the rural areas, increased setbacks, additional fencing along streams/waterways, etc. have the direct effect of conversion from typical and historic agricultural activities and have cumulative effects that could be significant when viewed throughout the region or parts of the region.

Existing Regulatory Structure-

The existing regulatory structure needs to be reviewed for its effectiveness before new regulations are imposed. There are several layers of land use and development regulations already in place at the local, state and federal levels that directly address the subject of the proposed policies and their implementation.

A few of the examples are:

- The requirements to prepare and implement Storm Water Pollution Prevention Plans.
- The requirements to obtain Water Quality Certification (with accompanying water quality and related conditions) as a part of the US Army Corps of Engineers permitting program.
- The local agency regulations that relate to grading, erosion control, streamside and wetland setbacks and buffers, etc.
- The local, state and federal regulations that relate to development within wetlands, streams and flood plains.
- The water quality components of Timber Harvest Plans.

A few of the agencies include:

Cities and Counties
 Department of Fish and Game
 Department of Forestry and Fire Protection
 The California Coastal Commission
 The Army Corps of Engineers and the related trustee agencies of
 US Fish and Wildlife Service
 NOAA Fisheries
 The Regional Board itself through the Water Quality Certification Program.

There is a need to avoid duplication in regulation. A focus should be made on the combination of permitting/regulatory activities to simplify; make less costly; and perhaps gain more effectiveness.

Enforcement or compliance with Existing Regulations-

Is there a need for additional enforcement of the existing regulations?
 If there is, more regulation will probably not help.

It is getting to the point (in many cases past) where the costs associated with regulatory compliance now exceed the costs of the activities being regulated. An example of this is where routine maintenance activities to existing (and in some cases historic) structures and facilities are made.

Effectiveness of Existing Plans and Programs-

The effectiveness of the current plans and programs need to be assessed and included as an alternative to additional regulations. There is a

myriad of watershed level plans and programs that have been developed and implemented to varying degrees.

The plans and programs have been created at the local, state and federal levels, with varying degrees of success (or failure).

Effects upon Public Land Agency Management Plans-

Any proposed regulation needs to insure that it does not usurp, conflict with, or duplicate the land use and development authorities of local government and other state agencies.

Many of the lands within the lower flood plains of the County are owned by public (City, State and Federal) agencies. The lands are typically operated through an adopted management plan which includes goals, policies and standards. The proposed policies need to assess the potential impact on these lands and their management to insure that the public investments are not wasted or unnecessarily burdened through new or modified regulation.

Clarity (or lack) of the alternatives.

More clarity in the description of alternatives is needed. It is very vague as to what the alternatives are. As a result, difficult to comment on them.

Environmental Settings-

The environmental setting within the two basins appears to be considerably different. The level of residential, commercial and industrial development within the cities and communities that all but surround the San Francisco Bay and its related estuary, stream and wetland structures is substantially different than the level, type and location of development throughout the North Coast Region.

In addition, there appears to be the need to focus on the problem areas in and around the San Francisco Bay area as identified through the recent monitoring report referenced below concerning bays and estuaries.

While the overall policies may be the same or similar in their intent, the methods of achieving policy implementation would seem to require separate treatment based upon these differences.

Need of Amendment-

The need for the proposed amendment is not adequately explained/justified. We do not see the need for more policies or rules, given the levels of multiple agency regulation and activities that address water quality within and near streams, wetlands, and flood plains, including those of the Regional Board.

Further, it is our understanding that the background levels of those water quality constituents of concern have not yet been established. Until they are, there is no basis/need for additional Policies, standards and regulations.

The recently published document that is entitled Water Quality Assessment Report of the Condition of California Coastal Waters and Wadeable Streams (Clean Water Act, Section 305(b) Report) - October 2006 makes the findings that most of the Coastal Waters and Wadeable Streams are in pretty good shape.

Another recently published document that is entitled 'Most California Coastal Bays and Estuaries in "Fair" to "Good" Condition Based on Selected Indicators' provides additional evidence that the need for an amendment is not justified at this time. This report also identifies areas where additional efforts are needed.

Suggested Priorities (Alternatives)-

It is suggested that the Regional Board concentrate its efforts upon treatment of storm and other waters flowing from the cities, unincorporated communities and other concentrated development adjoining the bays, estuaries, flood plains and streams. In this way, the larger and more specific contributors/dischargers may be addressed with a prospective result of getting a more effective means of improving water quality.

In the meantime, an assessment of the effectiveness of the existing regulations and the current and proposed watershed improvement programs

should be made. With an adequate assessment, an affirmation of the need (or not) of additional policies and their implementation could be made and unnecessary layering/duplication of regulation avoided/minimized.

In addition, it could be that the money available for the creation of 'new' policies and implementation programs (through Plan Amendment and additional regulation) could be better used on the actual completion of watershed and flood plain improvements based upon the highest priorities identified through other planning efforts carried out by the Board and other public agencies.

Thank you for the opportunity to provide our thoughts, comments and concerns.



Jim Regli

President

Humboldt County Farm Bureau

Cc: John Corbett, Regional Board Member
Humboldt County Supervisor's
California Farm Bureau, Attention: Anthony Francois
Humboldt Del Norte Cattlemen's Association
The Buckeye Conservancy