



Attn: Glenda Marsh

Comments on Proposed Wetland and Riparian Area Policy

Dear Ms Marsh:

We read your scoping document with great interest. It is certainly true that improvements to the management of California's wetlands and riparian areas are needed. Particularly in the face of the many forces of change facing the state, we need to carefully consider how we preserve our critical resources. In that light using this process of examining policy possibilities could serve us well. To capture the greatest value from this work we suggest that the process be guided by a few clarifying considerations.

1. **Clarification of Interests:** It would be extremely helpful for the SWRCB to bring more definition to the impetus for this policy effort. It is clear from the scoping document that the limitations of the federal wetland protections that were created by SWANCC is a motivating circumstance. What is not so clear is whether this is the extent of the concern. Is it the risk to these now "unregulated" wetlands that is of concern, the lack of expressed authority over a previously regulated resource, or issues that extend to wetlands that remain within federal authority? Expressing the concern as a need for wetland regulation generally is confusing. It leaves one to ponder whether the proposal is to create a program redundant of that managed by USACE, to somehow augment the federal program, or simply to note the change. While the regulatory structure related to riparian areas is not nearly as clear as with wetlands, again we would be well served by the SWRCB being clear about why they are concerned with riparian areas. What is it about these areas that is so important? What is it about the management of these areas that needs to be changed (or preserved)?
2. **Factual basis of actions:** A corollary to this first notion, it the use of factual descriptors to characterize the situation. Without a factual accounting of the situation we will be left with opinions about what exists. That will make it difficult to create a collective opinion about what is needed. To attain broad acceptance of both the need for action and the direction to be taken a factual picture of the current and expected conditions will be critical. This will be particularly important when defining wetlands. Broad language as implied by the scoping document could result in vast areas that have not previously been considered wetlands to be captured in a new definition. This could in turn have dramatic impacts on the management of those lands. Whether this is the intent is not clear. Regardless of intent, a clear factual basis for defining wetlands or riparian areas and other aspects of the policy is needed.

3. **Coordination with, and reliance on other parties:** The nature of wetlands and riparian areas is such that many different parties have vested interests in their condition and management. Recognizing this generally and clarifying the specific interests with regard to specific settings creates the opportunity to rely on a multitude of parties, authorities, capabilities, and responsibilities to ensure that management of these areas attains the care that we expect. Too often each of us believes that we are central or the dominant party in resource management. In fact we can often create better outcomes by expressing our needs and relying on others who understand those needs to fulfill them by carrying out their own work and responsibilities. An example is reliance on local land use planning to stimulate the use of appropriate management practices for water quality protection. Another example is deference to another regulatory program, such as the Department of Fish and Game's streambed alteration permits, to capture beneficial use protections. In these cases what is needed by the Board is a clear statement of what needs protection and to what level, and the stated deference to these other institutions to fulfill those needs. The Board can and should retain the prerogative of reviewing how well this strategy works and intervening in cases where greater protections are required to meet its own responsibilities.
4. **Resource stewardship before administrative efficiencies:** Resource protection is a complex and challenging undertaking. In coping with this complexity there is a tendency to fall back on program characteristics as a measure of progress. This leads to a possibly false impression that serving program needs is equivalent to serving resource needs. It is important in developing policies that we clearly distinguish between actions designed to improve program management from actions designed to improve resource quality. In some cases program efficiencies may conflict or operate counter to resource stewardship. In these cases the policy effort should either defer to the stewardship needs or continue to seek other means to satisfy program needs that are more supportive of the resources.
5. **Multi-benefit value – integration and design for sustainability:** Wetlands and riparian areas often occur on lands that are highly valuable for other purposes. While the tremendous diminishment of these habitats compels an assertive effort to protect them, it is not likely that a single minded approach can be successful. The community needs are too great to allow for single purpose use of these areas. Attempting to isolate these habitats from surrounding land practices will likely drive us towards a form of island ecology that separates individual examples of wetlands or riparian areas from surrounding landscapes. This could have tragic impacts where these habitats require connectivity across the landscape. How other uses are accommodated is uncertain. But it is clearly that an artful and careful approach is needed if we are to achieve the desired level of sustainability. The policy effort should develop a method that accounts for varied values and benefits associated with specific locations and with habitat types in general.

We believe that if attention is paid to these considerations, new and elegant alliances can be formed that will better serve all our needs. We can share in the stewardship of resources while fulfilling our responsibilities. It will likely be a learning process and there may be more than one instance where we discover that to get to the elegant solution many of us need to change our approach. But it would be a bad assumption to believe that at the outset there are "sides" to the issues. By taking the time to explore the needs we can create the responses that will serve us all.

Stefan Lorenzato, Manager
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