



DEPARTMENT OF PUBLIC WORKS
COUNTY OF HUMBOLDT

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ARCATA-EUREKA AIRPORT TERMINAL
MCKINLEYVILLE

AVIATION 830-6401

PUBLIC WORKS BUILDING
SECOND & L ST., EUREKA

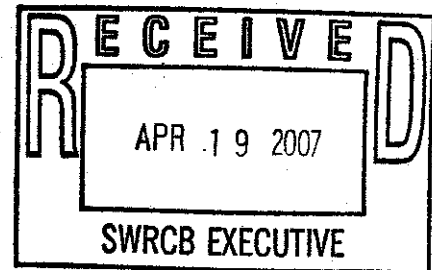
ADMINISTRATION	445-7401	NATURAL RESOURCES	445-7741
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CLARK COMPLEX
HARRIS & H ST., EUREKA

LAND USE 445-7206

April 19, 2007

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



Subject: CEQA Scoping Comments for Proposed Wetland and Riparian Area Protection Policy

Dear Ms. Her:

The County of Humboldt is actively involved with natural resource conservation and restoration efforts through its membership in the Five Counties Salmonid Conservation Program and various other projects and initiatives. Based on our review of the Wetland and Riparian Area Policy Scoping Document (March 2007), the County of Humboldt Public Works Department has the following comments:

Comment No. 1 - We concur with the premise that consistency within state policy and regulations is crucial for protecting and enhancing water quality in the state. The March 2007 Scoping Document indicates that policy reform is primarily needed to address three regulatory issues associated with wetlands and riparian areas (i.e., recent court cases involving the federal Clean Water Act, inconsistent definitions within the California Water Code, and inconsistent requirements for evaluating resource conditions). In addition, the proposed project by the State Water Resources Control Board should include the following area as a fourth identified need:

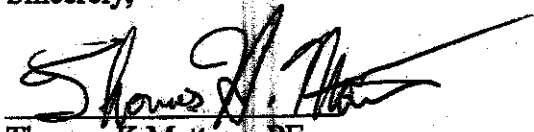
- Lack of clarity in the state's existing regulatory framework regarding jurisdiction and applicable requirements for wetlands and riparian areas, inconsistent implementation of existing requirements, and the preponderance of overlapping jurisdiction and regulations frequently result in a significant administrative burden to land owners and managers with little or no resource benefit. Policy reform is needed to ensure that

state regulations efficiently and effectively protect water quality while encouraging responsible land stewardship and avoiding unnecessary impacts to land management activities.

Comment No. 2 - The range of project alternatives is insufficient because it contains only one option addressing the expansion of the State Water Board's authority to regulate wetlands and riparian areas. The scope of this issue should be further evaluated by identifying and analyzing all existing federal, state, and local regulatory processes that relate to wetlands and riparian areas and would potentially be affected by the proposed project. In particular, the State Water Board should assess the existing jurisdiction of other state agencies including the California Department of Fish & Game and California Coastal Commission, as well as legal requirements and programs implemented through flood protection programs and local General Plans, to ensure that the proposed project does not create redundant jurisdiction and regulatory requirements or result in conflicting regulatory programs. A comprehensive analysis of existing regulatory programs is necessary before the status of current wetland and riparian area protections can be evaluated and the extent of the need for additional measures to ensure water quality beneficial uses can be determined.

Comment No. 3 - We recommend that the State Water Board split the proposed project into two separate and sequential projects. Establishing clarity and consistency for the state's definitions of wetlands and riparian areas is a necessary first step before the scope of a project to change the State Water Board's regulatory requirements can be defined.

Sincerely,



Thomas K Mattson, PE
Director of Public Works