

**Stream and Wetlands System Protection Policy
North Coast Regional Water Quality Control Board**

**Summary of Public Comments from May 2006
Public Workshops and CEQA Scoping Meetings**

Introduction

The North Coast Regional Water Quality Control Board (Regional Board) conducted a series of Public Workshops and California Environmental Quality Act (CEQA) Scoping Meetings on a proposed Basin Plan amendment to protect stream and wetlands systems. Meetings were held in Eureka, Yreka, and Santa Rosa, on May 3, 4, and 8, 2006, respectively. This document summarizes public comments received at those meetings.

Comments on Science and Process

Science

- Amendment Focus: Meeting participants requested that the Regional Board consider cumulative effects and integrated systems as it develops this amendment.
- Baseline: Participants requested that the Regional Board establish a baseline of historical stream and wetlands system conditions and determine which impacts are natural and which are anthropogenic. Participants suggested that the Regional Board use tools like GIS and remote sensing to assess watershed conditions.
- Data and References: Participants requested that the Regional Board provide the data sources and references used to justify the amendment and that the Regional Board carefully evaluate the methodologies of studies used. Participants requested that the Regional Board use studies and data that are appropriate for local conditions and use research conducted and compiled by other agencies.

Public Participation

- Meetings and Communication: Participants requested that the Regional Board keep stakeholders involved throughout the process. Some participants requested that the Regional Board create a special stakeholder group to advise amendment development, while other participants advised against creating such a group.
- Public Review: Participants requested that the Regional Board allow the public to review interim documents and seek input from local scientists and specialists.
- State Wetlands Policy: Participants requested that they be kept informed about wetlands policies being developed by the State Water Resources Control Board (SWRCB) and any upcoming public participation opportunities for such policies.

Agency Interaction, Permitting, and Programs

- **State Agencies:** Participants urged the Regional Board to look at other agencies' existing permits and programs to avoid creating redundant or contradictory regulations. Participants specifically mentioned the California Department of Forestry and Fire Protection's Timber Harvest Plans; California Department of Fish and Game's Lake and Streambed Alteration Agreements; California Coastal Commission's coastal development permits; and Habitat Conservation Plans. Participants stressed the need to coordinate with other agencies to promote regulatory consistency as well as to work with the California Department of Water Resources and the SWRCB Department of Water Rights on issues of flow.
- **Local Agencies and Organizations:** Participants requested that the Regional Board consult with city and county governments to determine whether existing ordinances and general plans already address aspects of the proposed amendment. Participants suggested that the Regional Board work with open space districts.
- **Regional Board (Internal):** Participants requested that the Regional Board evaluate its existing permits and programs to determine whether the proposed amendment is necessary.

Regulatory Authority

- **Statute:** Participants requested that the Regional Board clearly state its authority under the Porter-Cologne Water Quality Control Act to develop the provisions of the proposed amendment in order to avoid legal challenges and ensure that the Regional Board is not overstepping its legal mandate.
- **Private Property Rights:** Participants emphasized that there must be a clear link between any proposed regulations and protection of the public trust in order to protect private property rights.

Comments on Proposed Policy Framework

Beneficial Uses

- **General:** Participants emphasized that beneficial uses of waters depend on situation and encouraged the Regional Board to look at a broad base of uses.

Water Quality Objectives

- **Wastewater:** Participants encouraged the Regional Board to develop objectives for wastewater water quality parameters.

Implementation Plan

- **Regional Diversity:** Participants urged the Regional Board to avoid creating a one size fits all policy and to recognize regional differences in waterbodies and uses.

- Enforcement: Participants stated that the Regional Board needs to better enforce violations and enforce more consistently across the region. Participants requested that the Regional Board establish and enforce stricter penalties to deter violators.
- Incentives: Participants encouraged the Regional Board to use positive incentives to implement the policy, emphasizing that grants and education can be effective tools to promote voluntary efforts and good stewardship. Participants requested that the Regional Board make grant funding available for habitat restoration and for water quality projects managed by the tribes.
- Management: Participants urged the Regional Board to ensure that any prescriptive management standards in the amendment are based on sound science and are clear, realistic, and attainable. Participants requested that the Regional Board recommend management practices that can help land managers protect water quality while preserving existing land uses, as well as promoting restoration and management of cultural resources. Participants emphasized the need for adaptive management and to encourage management techniques that mimic natural processes such as soil bioengineering. Participants recommended that the Regional Board utilize technologies such as GIS to establish management goals.
- Local Watershed Plans: Participants requested that the Regional Board clarify how implementation through local watershed plans will work and whether such plans will be voluntary or mandatory. Participants encouraged the Regional Board to use local groups to implement the policy on the ground and to organize plans both by watershed and political boundaries.
- Efficiency: Participants applauded efforts to improve permitting efficiency, but requested that the Regional Board ensure that permit conditions still meet conditions on the ground. Participants urged the Regional Board to avoid making the permitting process more cumbersome for applicants.

Comments on CEQA Analysis and Environmental Factors

CEQA Analysis

- Scope, Need, and Alternatives: Participants stated that the Regional Board needs to establish clearly the need and justification for the policy and must evaluate alternatives completely. Some participants stated that the amendment scope as presented did not provide enough information to provide meaningful comments.
- Economics: Participants stated that the Regional Board must conduct a full economic analysis of the proposed amendment that includes the potential cost of implementation to landowners and governments. Participants requested that the Regional Board evaluate different management options to ensure that cost of amendment implementation is minimized. Participants requested that the

Regional Board evaluate the economic benefits of existing land uses and the public and private benefits of healthy stream and wetlands systems.

*Environmental Factors*¹

- Aesthetics: No comments received.
- Agricultural Resources: Participants stated that the Regional Board must examine the cumulative effects of farmland conversion from various efforts and agencies. Participants stated that conversion of agricultural lands to fish and wildlife habitat is not a minor alteration to the land and is not categorically exempt under CEQA.
- Air Quality: No comments received.
- Biological Resources: Participants requested that the Regional Board look at impacts to both species that are listed as endangered or threatened and species that are not currently listed, including tribal trust species. Participants requested that the Regional Board look at the impact of invasive species on native species biodiversity. Participants suggested that the Regional Board use anadromous salmonid habitat as an indicator of water quality and that the Regional Board should look at vertical layering of riparian habitat and productivity and productivity export of wetlands and riparian areas in assessing conditions in these areas. Participants stated that the Regional Board needs to consider the benefits of artificial lakes or reservoirs to species, particularly birds and fish, and potential negative impacts of dam removal on these species and associated human uses.
- Cultural Resources: Participants stated that loss of wetlands and their natural flood protection benefits damages cultural resources. Participants requested that the Regional Board consider historical uses of waters, native plants, and fisheries, and protect access to traditional sites.
- Geology and Soils: Participants requested that the Regional Board look at grading activities on steep slopes. Participants also stated that the Regional Board needs to take regional differences in slope, soils, and soil chemistry into account.
- Hazards and Hazardous Materials: Participants stated that decreased road maintenance as a result of stricter permit conditions could decrease public safety.
- Hydrology and Water Quality: Participants stated that water quality and water quantity are connected and that the Regional Board needs to recognize natural values of hydrologic connectivity and disconnectivity. Participants requested that the Regional Board look at the impacts of hydromodification and reduced surface water-groundwater connections on stream and wetlands systems. Participants emphasized the need to consider the geomorphic settings of streams and connections between uplands and lowlands. Participants also requested that the Regional Board clarify how the amendment will affect lakes, reservoirs, and

¹ Includes comments on potential impacts as well as suggested areas for analysis.

dams, and to consider the impacts of climate change on future hydrologic regimes. Participants suggested that the Regional Board monitor urban streams to measure the impacts of stormwater and wastewater discharges on water quality.

- Land Use and Planning: Participants expressed concern that the amendment would reduce local land use authority by regulating groundwater and areas inundated by high water, and requested that the Regional Board consider potential impacts on local ordinances and planning efforts. Participants stated that the Regional Board must consider how the amendment would impact existing land uses and any potential land conversions that might occur as a result of the policy.
- Mineral Resources: Participants requested that the Regional Board consider the cumulative impacts of in stream gravel mining.
- Noise: No comments received.
- Population and Housing: Participants expressed concern that increased regulation in low-lying areas might impact housing.
- Public Services: No comments received.
- Recreation: No comments received.
- Transportation/Traffic: Participants stated that regulations might inhibit county road maintenance. Participants requested that the Regional Board look at the relationship between county road maintenance and riparian condition.
- Utilities and Service Systems: Participants requested that the Regional Board look at the impacts of wastewater discharges. Participants also requested that the Regional Board consider adopting water quality parameters for wastewater discharges instead of using dilution ratios.

Contact Information

For more information about the Stream and Wetlands System Protection Policy, or to submit comments on the proposed amendment, you can contact Bruce Ho at BHo@waterboards.ca.gov or 707-576-2460. Additional information can also be found on the Regional Board website at <http://www.waterboards.ca.gov/northcoast/programs/basinplan/swspp.html>.