

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

**Summary of Public Comments from November 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 November 27, 28, and 30, 2006, respectively. These meetings were in addition to earlier CEQA Scoping Meetings held in May 2006. This document summarizes public comments received at the November meetings. A summary of public comments received at the May meetings is available at <http://www.waterboards.ca.gov/northcoast/programs/basinplan/swspp.html> or by contacting the Regional Board.

**Comments on Science and Process**

*Science*

- Amendment Focus: Participants requested that the Regional Board focus on systems rather than taking a piecemeal approach to watershed protection.
- Data and References: Participants requested that the Regional Board make available any data and references used to justify the amendment.
- Climate Change: Participants requested that the Regional Board consider the potential impacts of climate change on water resources.

*Public Participation*

- Meetings and Communication: Participants expressed appreciation for the level of public involvement and meetings to date.
- Public Review: Participants requested that the Regional Board provide a summary or transcript of public comments to facilitate additional public discussion.

*Agency Interaction, Permitting, and Programs*

- General: Participants requested that the Regional Board consider the actual effectiveness of other agencies' requirements, not just their intent, in determining regulatory gaps and needs.
- Federal Agencies: Participants requested that the Regional Board coordinate with federal agencies to ensure that regulations are consistent.

- State Agencies: Participants requested that the Regional Board coordinate with other state agencies to ensure that regulations are consistent. Participants also requested that the Regional Board disclose such interactions.
- Local Agencies and Organizations: Participants requested that the Regional Board provide guidance to local agencies on how to protect water resources through general plans and land use regulations.
- Regional Board (Internal): Participants requested that the Regional Board clarify how the amendment would impact existing permits and programs issued by the Regional Board, permits issued by the State Board, and the Regional Board's upcoming Regionwide Sediment Amendment. Some participants suggested that the Regional Board focus on implementing its existing regulations before developing a new program.

#### *Regulatory Authority*

- Land Use Regulation: Participants stated that local land use authority must be protected and that the Regional Board might be overstepping its mandate by regulating land use.
- Private Property Rights: Participants stated that private property must be protected.

### **Comments on Proposed Policy Framework**

#### *Beneficial Uses*

- General: Participants stated that the Regional Board should not prioritize one beneficial use over another.
- Streams: Participants requested that the Regional Board recognize that the primary beneficial use of streams is to remove excess water efficiently from the landscape.

#### *Water Quality Objectives*

- General: Participants requested that the Regional Board identify thresholds of concern. Some participants requested that the Regional Board develop numeric rather than narrative objectives. Other participants supported adopting narrative objectives that are function-based.
- Hydrology: Participants requested that the Regional Board develop urban stormwater and hydromodification objectives. Participants requested clarification as to whether the policy supports dam removal.

- Active Channels: Participants stated that objectives must allow channel maintenance to prevent hazards and water quality impacts. Participants stated that deposition in incised streams can help restore systems and should be supported in some instances.
- Floodplains: Participants requested that the Regional Board regulate discharges that occur outside the tops of streambanks and develop objectives that account for large, infrequent storm events. Participants stated that some areas do not currently have adequate space to provide floodplain functions. Participants stated that channel migration may impact property boundaries (e.g. when the legal boundary is the stream channel) and stated that upstream landowners should be allowed to protect their property from flood impacts even when doing so may cause downstream flood impacts.
- Riparian Vegetation: Participants stated that some areas cannot support riparian vegetation (e.g. areas with alkali soils). Participants stated that some riparian vegetation removal is required by other agencies (e.g. for levee maintenance) and that some removal may be necessary to protect other beneficial uses (e.g. removal of noxious weeds). Participants also stated that large woody debris can have negative impacts on the stream if it forms debris dams that increase flooding or cause bank erosion. Participants requested that the Regional Board clarify whether easements would be required along streams to meet this objective. Participants also requested that the Regional Board limit the focus to native riparian vegetation.
- Wetlands: Participants requested that the Regional Board clarify how wetland beneficial uses would be protected under the policy. Participants requested that the Regional Board protect wetland functions similar to the approach suggested for stream and riparian area functions.

*Implementation Plan (Defining and Identifying the Stream and Wetlands System)*

- Stream Channels: Participants stated that focusing on intermittent and ephemeral streams may be problematic for some landowners.
- Wetlands: Participants requested that the Regional Board provide additional information on the definition of wetland that will be used in the regulations and its impact on other wetland definitions. Some participants stated that the Regional Board's definition should be consistent with federal regulations. Participants also requested that constructed treatment wetlands be exempt from more stringent requirements under the policy.
- Riparian Areas: Participants requested that the Regional Board provide additional information on what would be considered a riparian area under the policy.
- Floodplains: Participants requested that the Regional Board provide additional information on the definition of floodplain that will be used, or the storm size that will be considered, under the policy. Participants stated that the term "catastrophic

flood” is relative. Participants stated that determining the floodplain extent might require landowners to hire an engineer.

#### *Implementation Plan (Permitting Process and Regulatory Mechanism)*

- General: Participants requested that the Regional Board clarify whether the policy will affect existing permits. Participants stated that the permitting process is too lengthy to deal with emergency situations and that streamlining the permit system would promote better stewardship practices. Some participants also stated that different land uses cannot go through the same rigor of permitting due to differences in available resources, development timeframes, and project sizes (e.g. farming practices versus residential development). Participants stated that complicated permitting requirements prevent some beneficial projects from being undertaken.
- Local Watershed Plans (Conditional Waivers): Participants suggested that the Regional Board only issue conditional waivers to parties that are actively working to improve water quality. Some participants requested that the Regional Board issue and enforce individual waste discharge requirements rather than develop conditional waivers. Participants requested that the Regional Board clarify whether counties would be required to adopt new ordinances (e.g. a grading ordinance) as a part of local watershed plans.

#### *Implementation Plan (Permit Requirements)*

- Performance Criteria: Participants supported using narrative performance criteria in permits to measure compliance rather than specific numeric limits.
- Cumulative Impacts: Participants requested that the Regional Board address cumulative impacts of both small and large actions.
- Mitigation: Participants requested that the Regional Board develop a methodology for assessing impacts and mitigation requirements. Participants requested that the Regional Board support large, coordinated mitigation projects that replace functions within the same ecological regions that are impacted. Participants requested that mitigation be required to provide wildlife benefits.
- Monitoring and Adaptive Management: Participants stated that monitoring and adaptive management is needed to ensure that requirements lead to effective results and that any ineffective requirements can be modified.

#### *Implementation Plan (Enforcement and Compliance)*

- General: Participants stated that the Regional Board must improve enforcement of its regulations. Participants suggested that the Regional Board adopt different compliance schedules for small and large landowners that take into account their relative impact on water quality and their ability to pay. Participants supported educational outreach, but requested that the Regional Board prioritize enforcement over educational activities in its budget.

- Voluntary Compliance and Incentives: Participants stated that voluntary compliance is effective and requested that the Regional Board focus on non-regulatory incentives before developing mandatory requirements. Participants requested that the Regional Board look at opportunities to encourage restoration (e.g. large woody debris restoration) and beneficial management (e.g. vegetation management practices) through incentives.

## **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. Participants requested that the Regional Board carefully consider the “no action alternative” and technological solution alternatives. Participants also requested that the Regional Board clearly state any assumptions made when choosing which alternatives to evaluate. Some participants stated that the amendment scope as presented did not provide enough information to provide meaningful comments.
- CEQA Document: Participants requested that the Regional Board complete a full programmatic EIR, even if it is not required, to provide other agencies and project applicants with additional guidance.
- Economics: Participants stated that protecting natural functions is economically justifiable. Participants requested that the Regional Board evaluate all environmental benefits, including short and long-term benefits to determine the amendment’s impact. Participants stated that the amendment may increase cost of agricultural and timber production.

### *Environmental Factors*<sup>1</sup>

- Aesthetics: Participants stated that agricultural lands as well as healthy riparian areas provide aesthetic values.
- Agricultural Resources: Participants stated that additional regulations on agriculture and timber could lead to land conversion. Participants stated that agricultural beneficial uses need to be protected. Participants stated that agriculture protects water and soil resources and provides open space needed for floodplain and groundwater recharge functions. Participants also stated that some agricultural activities disrupt wetland hydrology and soils and should be prevented.
- Air Quality: No comments received.

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<sup>1</sup> Includes comments on potential impacts as well as suggested areas for analysis.

- Biological Resources: Participants stated that pasturelands provide high biodiversity that should be protected. Participants also stated that agricultural systems are biological systems that require access to water. Participants requested that the Regional Board protect habitat for all species to prevent additional threatened and endangered species listings.
- Cultural Resources: Participants stated that multi-generation farms and ranches are cultural resources that should be protected.
- Geology and Soils: No comments received.
- Hazards and Hazardous Materials: Participants stated that the Regional Board must avoid conflicting with FEMA hazard mitigation requirements.
- Hydrology and Water Quality: Participants requested that the Regional Board look at the impacts of urban stormwater and hydromodification on water quality. Participants stated that agriculture, forestry, urban development, mining, and recreation can impact water quality.
- Land Use and Planning: Participants stated that the Regional Board should use local processes for land use planning and needs to protect private property. Participants stated that state-level pressures to develop land for urban expansion impact water quality. Participants stated that urban land use issues must be addressed.
- Mineral Resources: Participants stated that mining claims are real property and must be protected. Participants also stated that suction dredging can be used to improve water quality by increasing dissolved oxygen, removing toxic metals, and cleaning spawning gravels.
- Noise: No comments received.
- Population and Housing: Participants stated that environmental requirements raise the cost of housing.
- Public Services: No comments received.
- Recreation: Participants stated that healthy streams and riparian areas provide recreation opportunities.
- Transportation/Traffic: Participants stated that runoff from roads impacts water quality. Participants requested that the Regional Board look at the impact of in-channel off road vehicle use on water quality.
- Utilities and Service Systems: No comments received.

### **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](mailto:BHo@waterboards.ca.gov) or 707-576-2460. Additional information can also be found on the Regional Water Board website at <http://www.waterboards.ca.gov/northcoast/programs/basinplan/swspp.html>.