

From: [Linda Santos](#)
To: [commentletters](#)
Subject: Statewide Dredged or Fill Procedures
Date: Wednesday, September 6, 2017 5:10:05 PM



Dear Clerk to the Board Townsend,

As a farmer, I recognize the economic and environmental benefits that wetlands provide to this state. However, I'm concerned that the current draft of the "State Wetland Definition and Procedures for Discharges of Dredged or Fill Material to Waters of the State" (Procedures) will negatively impact my ability to continue my business.

The Procedures' scope is excessive and includes vague and undefined terms that are likely to lead to inconsistent application of the Procedures. More specifically, I am concerned that the Procedures overlap and conflict with other regulatory programs such as the following:

- The Procedures should not apply to waters ALREADY subject to CA Department of Fish and Wildlife (CDFW) regulation under the Streambed Alteration program.
- The Procedures add a new definition of "wetland" that varies from the definition under the federal Clean Water Act and would consider an area without any vegetation as a "wetland." This is not supported by science, conflicts with the U.S. Army Corps of Engineers Corps' (Corps) definition, and will be problematic in application.
- The Procedures apply to all waters of the state, not just wetlands. Consequently, the Procedures create a mandatory permitting program for ALL waters of the state. Instead, the Procedures should be limited to wetland waters of the state that are not waters of the U.S.
- The Procedures add regulatory confusion to everyday farming and ranching practices and the agricultural exemptions are inconsistent, causing uncertainty. Additionally, the Procedures misstate and limit the Prior Converted Cropland exclusion.
- Many agricultural areas of the state are already regulated under irrigated lands regulatory program orders (waste discharge requirements or conditional waivers of waste discharge requirements). These programs include extensive measures to protect water quality, manage sediment and erosion, and implement best management practices. Therefore, the Procedures should not apply to waters already regulated under an Irrigated Lands Regulatory Program order.

As currently drafted, the Procedures will negatively affect agricultural businesses such as mine and the State Water Board should not adopt the Procedures. I believe the state can accomplish its goal to protect wetlands, while at the same time minimizing duplication and conflict with existing state and federal regulations. The Procedures should be rewritten to protect water quality without compromising the rights of farmers and ranchers, landowners, and businesses.

Sincerely,

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