

August 17, 2016

Ms. Jeanine Townsend
Clerk to the Board
State Water Resources Control Board
P.O. Box 100
Sacramento, California 95814-2000



Subject: Procedures for Discharges of Dredged or Fill Materials to Waters of the State

Dear Ms. Townsend:

The Riverside County Transportation Commission (RCTC) appreciates the opportunity to comment on the Proposed Procedures for Discharges of Dredged or Fill Materials to Waters of the State (Proposed Amendments). RCTC's core mission includes planning and implementing highway, road, rail, and transit projects to enhance the mobility of Riverside County. In 2002, Riverside County voters approved Measure A, an extension to Riverside County sales tax measures, which is estimated to provide \$10 billion in new funding for transportation improvements.

RCTC welcomes the comment letter of August 15, 2016, submitted by the Orange County Transportation Authority (OCTA) to the State Water Resources Control Board (SWRCB). RCTC writes to join in support of several important concerns made by OCTA concerning the Proposed Amendments.

In its comment letter, OCTA correctly observes the Proposed Amendments' definition of "wetlands" introduces potential for inconsistent and expanded jurisdictional determinations of "waters of the states" and "wetlands" by regional water quality control boards. As OCTA appropriately cautions, inconsistent interpretations of "wetlands" and "waters of the state" could increase the potential for litigation, and expanded jurisdictional wetlands may increase mitigation requirements, project schedule delays, and additional project costs. Thus, RCTC joins in support of OCTA's recommendation the SWRCB articulate how the "wetlands" definition will provide greater consistency in determining wetlands statewide. RCTC also embraces OCTA's recommendation the SWRCB consider including in the Proposed Amendments a grandfather provision for projects approved under the existing regulatory framework to avoid compromising projects already permitted.

As identified by OCTA, the Proposed Amendments afford minimal guidance for climate change impact and watershed profile assessments RCTC and other agencies may be required to perform, depending on the case-by-case determination made by the applicable water board. RCTC shares OCTA's concern that unclear assessment requirements, if they apply at all, may compromise delivery schedules and the availability of fiscal resources for projects under development. Thus, RCTC joins OCTA in advocating for an exemption from the new wetlands definition and any additional review requirements imposed by the Proposed Amendments for voter-approved sales tax funded projects.

Ms. Jeanine Townsend
August 17, 2016
Page 2

RCTC appreciates the opportunity to comment on the SWRCB's efforts as it develops the Proposed Amendments. Please contact Aaron Hake at (951) 787-7141 or ahake@rctc.org if you have any questions about the concerns outlined in this letter.

Sincerely,



John Standiford
Deputy Executive Director

c: John Bulinski, District Director, California Department of Transportation, District 8
Malcolm Dougherty, Director, California Department of Transportation
Keith Dunn, Executive Director, Self-Help Counties Coalition