



**FARM BUREAU
MONTEREY**

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August 15, 2016

Jeanine Townsend
Clerk to the Board,
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814



VIA: Email to commentletters@waterboards.ca.gov

RE: Proposed Amendments to the California Ocean Plan and Inland Surface Waters, Enclosed Bays, and Estuaries of California Plan to Include Procedures for Discharges of Dredged or Fill Materials to Waters of the State
(formerly known as the Wetlands Policy)

Dear State Water Board Members:

Monterey County Farm Bureau represents family farmers and ranchers in the interest of protecting and promoting agriculture throughout our County. We strive to improve the ability of those engaged in production agriculture to provide a reliable supply of food and fiber through responsible stewardship of our local resources.

We submit these comments on the proposed amendments recognizing that wetlands provide economic and environmental benefits to the residents, farms, and businesses of the State.

Scope of the Amendments Is Too Broad

The scope appears to attempt to regulate all Waters of the State in that it goes well beyond the definitions of the Clean Water Act Section 401 certification requirements and Section 404 permitting program. We find these amendments will give the Regional Water Boards too much authority over discharges unrelated to the intended wetlands management, possibly crossing into non-wetland areas already protected under the California Fish & Wildlife streambed alteration program. This is troubling to farm and grazing land owners who must now comply with numerous layers of regulatory oversight for discharges; this appears to add yet another layer of broad oversight and regulatory over-reach instead of a targeted, well-confined set of regulatory objectives.



Overlapping of Duplicative Requirements

The Army Corps of Engineers and California Fish & Wildlife already have regulatory programs in place that are overlapped by these amendments, mainly due to the broad scope noted above. This will present landowners and farm operators with regulatory conflicts, uncertainty when planning customary farming operations, and additional costs for permitting and engineering reports. It also appears to us that regulatory conflicts could become daily events as the amendments allow override of decisions made by the Corps of Engineers, essentially wiping out the ability to utilize the streamlined permit process for minor discharges that federal law currently allows.

Lack of Uniformity Creates Regulatory Quagmire

We note that many key terms are left undefined in the proposed amendments, suggesting that this will become a process of decision-making on-the-fly as determined by each individual case. This will impact landowners and farm operators through confusion on how to apply regulatory requirements as these decisions are layered one-upon-the-other, as well as create a regulatory quagmire for each Regional Water Board to follow and adhere to. We suggest creating more certainty for landowners and farm operators by clearly defining key terms consistent with federal terms in the Clean Water Act as related to these types of discharges. Certainty will avoid future conflicts, litigation and regulatory gridlock, as rough interpretations could be made case-by-case as suggested in the proposed amendments.

We request that the proposed amendments undergo another round of editing to ensure that scope is specifically noted for desired wetlands management only, removal overlapping regulatory requirements, with delineations for clear key term definitions.

A successful regulatory program contains certainty for those who will be regulated under consistent and well-defined rules; these proposed amendments do not provide that certainty.

Sincerely,



Norman C. Groot
Executive Director