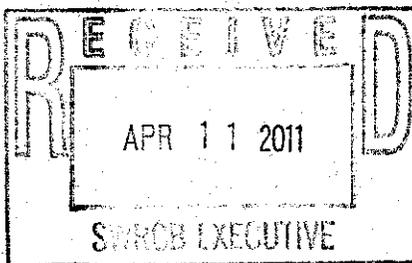




**PLUMAS**  
*Corporation*



Public Cmt./Wrkshp (1/31 & 2/8)  
CEQA Wetlands Policy & Reg  
Deadline: 5/20/11 by 12 noon

550 Crescent Street  
P.O. Box 3880  
Quincy, CA 95971  
530.283.3739  
530.283.5465  
www.plumas.ca.us  
plumasco@psln.com  
*Economic Development,  
Tourism, Stream Restoration*

April 8, 2011

Mr. Bill Orme  
State Water Resources Control Board  
Division of Water Quality  
PO Box 100  
Sacramento, CA 95812-0100

Dear Mr. Orme:

The purpose of this letter is to comment on the Initial Study for the Wetland Area Protection Policy and Dredge and Fill Regulations (Project). The Feather River Coordinated Resource Management (FR-CRM) group is a partnership of over 20 federal, state and local public and private entities that formed with the intent to address watershed degradation issues across jurisdictional boundaries in the 3,222 mi.<sup>2</sup> upper Feather River watershed. The Central Valley Regional Water Quality Control Board is one of the signatories to the Feather River CRM Memorandum of Understanding, signed in 1987. Since formation, this partnership has been very effective in accomplishing watershed restoration work that expressly restores degraded wetland function and acreages; with over 46 miles of channel and 4,000 acres of non-mitigation, montane wetlands restored. All of these projects have been initiated voluntarily by private landowners or public land management agencies. As a partnership, we have been more effective than any of the agencies could have been individually. The implementation of so many on-the-ground projects across jurisdictional boundaries has given us a unique perspective on the regulatory framework surrounding wetland resources. The following comments do not necessarily characterize the position of all of the FR-CRM signatories, but they do reflect the opinions of the individuals involved with the development, permitting and implementation of these restoration projects.

As an organization, we all applaud the SWRCB's continued vigilance in protecting the state's valuable water resources. The SWRCB and CVRWQCB have been stalwart supporters of efforts to restore function to the upper Feather River watershed. However, from a project-implementation perspective, it does not appear that the proposed Project would provide further protection of wetland resources in the upper Feather River. As staff involved in the preparation of permit applications for restoration projects in the upper Feather River watershed, we would prefer not to be subjected to yet one more layer of regulatory compliance. Therefore, we respectfully request that the proposed Project be withdrawn unless specific exemptions are granted to targeted restoration efforts such as those designed and implemented by organizations such as ours.

Over the past five years, and particularly in this previous year, the regulatory climate that must be navigated to implement watershed restoration projects has become

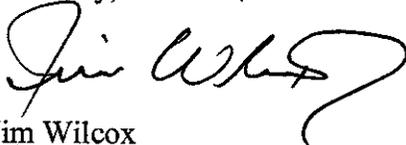
noticeably more onerous. Permit fees have increased, as has the detail of information required to obtain those permits. Detailed wetland delineations for the Army Corps are a new requirement, as is a Storm Water Pollution Prevention Plan and permit. The CEQA verification by the state funding agencies after CEQA has been completed at the local level is also relatively new. Forest Service offices have not been willing to modify their processes and documentation to do a combined CEQA/NEPA document, requiring separate documentation. As a coordinated resource management group, we seem to be losing our ability to collaborate with other agencies to achieve common goals. In light of shrinking agency budgets and the recession, this loss of coordination and increasing redundancy is resulting in greater expense of time and funding. Precious diminishing resources that could be implementing substantive improvements on the ground are instead spent on redundant permitting and excessive environmental reporting requirements.

One of the stated goals of the Project is to fill the regulatory gaps due to the diminishing jurisdiction of the federal government. In our experience, we have not seen a loss of wetlands since the Rapanos and other decisions. While the Plumas County General Plan, in its current outdated state, does not specifically protect wet areas, wetlands are generally protected through the 401 Water Quality Certification, ACOE 404 and DFG 1603 permit processes. In the Feather River watershed, a significant portion of wetlands have already been lost to development or are degraded to a state of non-functionality. Our restoration projects focus on re-establishing watershed processes that includes the restoration of large-scale, degraded wetland areas.

Other stated goals of the Project are to improve consistency of regulations and methods and provide a consolidated approach to data management. On the face of it, we would support these goals. However, the details of how this would be implemented appear to further remove decision-making from the local level. This could be beneficial in some instances; however, when addressing restoration, federal, state and local regulations do not distinguish between watershed restoration projects and watershed impairment projects nor is there a distinction between non-required restoration and mitigative restoration. If the state is considering a new wetland protection policy, some sort of alternative, streamlined track of regulatory requirements for restoration projects would go further to protect and enhance wetland resources than another layer of statewide regulations. Current regulations are hampering restoration by not recognizing and aiding efforts of watershed programs. Additional duplicative regulation may make restoration all but impossible. If the Project focuses more on collaboration with resource agencies at all levels of government, with some flexibility within regulatory frameworks surrounding wetland restoration, it may achieve its goals. Another layer of indiscriminate regulation to accompany that which already exists is likely to do more harm than good. It appears that the Project fails to recognize that positive watershed/wetland restoration work is occurring and should be encouraged not discouraged

Any member of the FR-CRM staff at Plumas Corporation, or perhaps other CRM members, would be happy to further discuss our insight into potential consequences of the Project on wetland restoration efforts at your convenience. Further information can be found at the Feather River CRM website; <http://www.feather-river-crm.org/>. Thank you for your continued protection of the state's water resources.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Wilcox". The signature is fluid and cursive, with a large, sweeping flourish at the end.

Jim Wilcox  
Program Manager, Feather River Coordinated Resource Management