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

CALIFORNIA TRANSPORTATION COMMISSION

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May 13, 2011

Charles R. Hoppin, Chair
State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95812-2000

Re: Comment Letter – CEQA – Wetland Area Protection Policy & Regulations

Dear Chair Hoppin:

The California Transportation Commission (Commission) considered the State Water Resources Control Board's (SWRCB) proposed Wetland Area Protection Policy and Regulations set forth in the Notice of Preparation of an Environmental Impact Report/Initial Study at its May Commission meeting. Recognizing the importance of addressing California's mobility needs while protecting California's environment, and at the same time, the competing demands for declining transportation revenue, the Commission is concerned with the degree to which the Department of Transportation (Department) and other transportation stakeholders can comply with the policy and regulations proposed.

As you are aware, a significant amount of transportation funding is directed towards those measures necessary to comply with existing laws and regulations including existing requirements to protect California's environment. As stated in the Initial Study, the federal Clean Water Act, the State Porter-Cologne Water Quality Control Act and other policies and guidance are regulated by the U.S. Army Corps of Engineers, the U.S. Environmental Protection Agency, the California Department of Fish and Game, the California Coastal Commission, and other agencies. To assure that the proposed policy and regulations promote streamlined processes that reduce regulatory redundancy and costs, it is critical that the SWRCB consult with these agencies to evaluate the necessity of expanding the wetland definition and permitting process beyond existing requirements.

The Initial Study does not identify the draft regulatory language, the proposed permit process or the estimated cost of implementation including increased project delivery cost and schedule impacts. This information is necessary to provide affected stakeholders an opportunity to

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understand and evaluate potential impacts due, in part, to additional permitting and mitigation requirements that should be considered and addressed by the SWRCB prior to adoption. It is also important that, if adopted, the wetlands policy and dredge and fill regulations align requirements and available resources towards those measures that address California's most critical water quality issues. Therefore, the Commission encourages that SWRCB to work closely with the Department and others affected to minimize cost and schedule impacts.

If you have any questions, please do not hesitate to contact Susan Bransen, Associate Deputy Director, at (916) 653-2082.

Sincerely,

A handwritten signature in cursive script, appearing to read "Bimla G. Rhinehart", with a large flourish at the end.

BIMLA G. RHINEHART
Executive Director

- c: Commissioners, California Transportation Commission
- Tom Howard, Executive Director, SWRCB
- Richard Land, Deputy Director, Project Delivery, Caltrans
- Jay Norvell, Chief, Environmental Analysis, Caltrans
- Scott McGowen, Chief Environmental Engineer, Caltrans