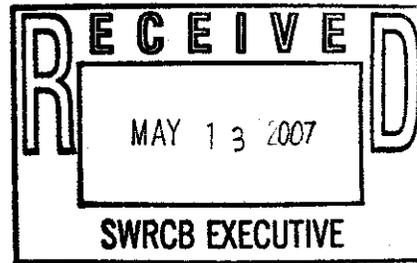


May 13, 2007

Song Her, Clerk of the Board
Executive Office
State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95612-0100



Dear Song Her,

In regards the State Water Resources Control Board's Wetland and Riparian Protection Policy please accept the following elements that I would suggest be encompassed in scoping alternatives to improve the state's current level of protection of wetland and riparian areas.

~ 'Instream beneficial uses' need to be given mandatory language that will guarantee a base stream flow for fisheries, with some sliding scale to encompass both good and poor rainfall years, so that urban pressures can't preempt natural stream flow for water supply and critically degrade riparian corridors and ecosystems.

~ Riparian corridors need protective criteria so that tree canopy can provide sufficient refugia for wildlife, as well as shade to keep stream temperatures cool for viability of steelhead and salmon coldwater fisheries.

~ Native grasses, shrubs and trees should be encouraged on streambanks in order to minimize maintenance and water needs as well as to provide self-sustaining habitat with sufficient depth of vegetation to filter out pollutants. Adjacent streamside land uses, such as golf courses, lawns and soccer fields that use grasses that require fertilizers and herbicides should be discouraged. There are benign seed mixes that do the job. (A local soccer field that is nearby community's pride and joy turns out to have eradicated all frogs from creek.)

~ The wetlands and seeps of ravines and stream corridors provide critical wildlife corridors and need special language to ensure protection of the water source, and vegetative corridor that maintains their ecosystems.

~ Wetlands mitigation needs a monitoring component for sufficient period of time, seven or eight years, to be sure that the wetlands can survive vagaries of weather patterns and the public needs to be kept informed. To this purpose there has to be a public record of wetlands, their quality, with map of location and acreage. Too often wetlands mitigation is a gentleman's agreement between agencies and records are filed away out of public view so that when personnel change or retire, the tribal memory of wetlands that should be preserved in perpetuity, is lost.

~ Finally, there are two major creeks in Santa Clara County that are impaired by garbage and debris dams that are a health hazard for humans as well as wildlife. This wetlands and riparian area protection policy needs to incorporate basic parameters for stream wetlands that streamside property owners and cities must comply with or receive fines after sufficient warning.

~ There are serious problems for wetlands with invasives which can take over to the degree that natural vegetation is overwhelmed and can no longer provide the beneficial uses of filtering and improving water quality. Healthy wetlands need to be nurtured and buffered from highly polluted stormwater, especially storm water that is forcefully pumped into or through the wetlands. Water quality criteria needs to be clarified here.

Thank you for taking time to consider these comments.

Sincerely,

Libby Lucas
Conservation, CNPS
174 Yerba Santa Ave.,
Los Altos, CA 94022

May 14, 2007

Song Her, Clerk of the Board
Executive Office
State Water Resources Control Board
P.O. Box 100, Sacramento, CA 95612-0100

RE: Proposed Wetland and Riparian Area Protection Policy - Scoping as per CEQA Guidelines

As a postscript to the comments I forwarded you yesterday, there are some unique aspects to protections for wetlands and riparian areas in Santa Clara County that I believe need to be included in your policy criteria and hopefully in San Francisco Basin Plan regulatory wetlands delineation.

~ The underground aquifers of Santa Clara County are supplied by percolation from streams and percolation ponds, very often in conjunction with wetland vegetation indicators. In particular there are portions of streams that feed 'groundwater cascades' which are geologic features where water is rapidly absorbed into the deep drinking water aquifers of Santa Clara Valley (as shown in Department of Water Resources "Evaluation of Ground Water Resources South Bay"). Wetlands located in these areas of high percolation such as Metcalf Narrows, Edenvale Gap, Los Gatos Creek and along western Foothills below Saratoga Subarea, where fourteen streams feed under what is now Highway #85 corridor, are of critical value in regards water supply beneficial instream use and any wetlands loss or degradation of these wetlands should not be permitted.

In dry years, these areas of high in-stream percolation may swallow up base stream flow entirely and the stream may only surface again as it nears its slough outfall to San Francisco Bay. Each stream has different geologic conditions and wetlands and riparian areas should be evaluated carefully on an individual basis.

By the same token, wetlands in an area with a near-surface aquifer, such as in Coyote Valley, need an entire geomorphic evaluation of water supply, underground flows and what type of native vegetation thrives. Such wetlands are of such a high value, that mitigation should be three to one at the very least, and any structures placed in these wetlands be monitored for sloughing off of contaminants into the groundwater.

~ The second area where wetlands need to be addressed with a special Santa Clara Valley focus are in the Baylands. Here wetlands may be swamped or left high and dry by the switch-hitting of streams under high storm or El Nino conditions. For example the Guadalupe River originally emptied into Guadalupe Slough, but due to high stormwater flow and sediment deposition it was switched to Alviso Slough. Under extreme wave ride-up and low barometric pressure Guadalupe River may have overbanked to Artesian Slough, as borne out by liquefaction area just north of #237 shown on geologic maps.

All tributaries to South Bay along western shore have same channel overbanking of stormwaters to further south in bay and away from high riding, wind driven, storm waves coming down Bay from the Golden Gate. The recent flooding of Palo Alto by the overbanking of San Francisquito Creek is another case in point.

What this storm hydrology means in evaluation of wetlands is that the overflow areas for creeks as they reach San Francisco Bay need to be preserved as viable wetlands. In particular Guadalupe River wetlands north of #237 need to remain unencumbered to accommodate out of channel flows, due sooner or later. Such wetlands should be evaluated by historical, hydrological and geological criteria as well as vegetation, to assess their true beneficial resource value.

~ Lastly, please consider upstream uses in watershed of streams that may cause depletion of the base flow to a degree that degraded downstream wetlands will not qualify as wetland vegetation. Case in point is the rumored CalTrans pumping of Adobe Creek for tank trucks to water vegetation along #280, while towns downstream are forced to install sprinkler systems in streamside parks to save trees in times of drought.

I believe the State Department of Water Resources is the regulatory agency in control of stream pumping and it should ensure that water diversion pumping leave enough base stream flow to support wetlands and riparian beneficial instream uses.

I would therefore request that these particular Santa Clara County wetlands and riparian area challenges be addressed in your proposed protection policy.

Sincerely,

Libby Lucas, 174 Yerba Santa Ave., Los Altos, CA 94022