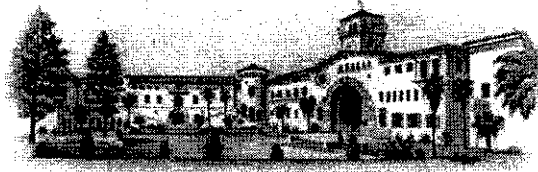


County Of Santa Barbara

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

Chandra L. Wallar
County Executive Officer



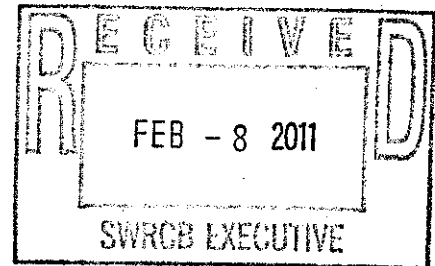
105 East Anapamu Street, Suite 406
Santa Barbara, California 93101
805/568-3400 • Fax 805/568-3414
www.countyofsb.org

Executive Office

February 7, 2011

Ms. Jeanine Townsend
Clerk to the Board
State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95812-2000

Email: commentletters@waterboards.ca.gov
Fax: (916) 341-5620



Re: Notice of Preparation of Environmental Impact Report (EIR)/Initial Study for the Wetland Area Protection Policy and Dredge and Fill Regulations

Dear Ms. Townsend:

Thank you for the opportunity to comment on the Notice of Preparation for the EIR/Initial Study for the proposed Wetland Area Protection Policy and Dredge and Fill Regulations. At this time, the County submits comments from the Planning and Development Department, Public Works Department, and Fire Department.

The County looks forward to continued dialogue on future projects. If you should have further questions, please do not hesitate to contact my office directly or Jeff Hunt, Director of Long Range Planning Division, at (805) 568-2072.

Sincerely,

Chandra L. Wallar
County Executive Officer

Terri Maus-Nisich
Assistant County Executive Officer
tmaus@countyofsb.org

Jason Stilwell
Assistant County Executive Officer
jstil@countyofsb.org

Sharon Friedrichsen
Assistant County Executive Officer
sfried@countyofsb.org

cc: Glenn Russell, Director, Planning and Development Department
Scott McGolpin, Director, Public Works Department
Richard Todd, Division Chief/Fire Marshal, Fire Department
Bret Stewart, Senior Development Engineering Manager, Public Works Department

Enclosures:

Planning and Development Department letter, February 4, 2011
Public Works Department letter, February 1, 2011
Fire Department letter, January 25, 2011



County of Santa Barbara Planning and Development

Glenn S. Russell, Ph.D., Director
Dianne Black, Director of Development Services
Jeff Hunt, Director of Long Range Planning

February 4, 2011

Jeanine Townsend
Clerk to the Board
State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95812-2000

Re: Notice of Preparation of Environmental Impact Report (EIR)/Initial Study for the
Wetland Area Protection Policy and Dredge and Fill Regulations

Dear Ms. Townsend:

Thank you for the opportunity to comment on the Notice of Preparation for the EIR/Initial Study for the proposed Wetland Area Protection Policy and Dredge and Fill Regulations. The Planning and Development Department offers the following comments for your consideration:

I. General Comments

The Initial Study (IS) considers potential future actions and impacts associated with the adoption of the proposed regulations for CEQA Checklist resource areas. It appears that the document may be misguided insofar as it distinguishes between the adoption and implementation of the program and appears to address only the effects of program adoption instead of the actual implementation of the regulations being developed. Implementation of the regulations is implied by their adoption and the EIR must consider the potential impacts of implementation. The EIR should explicitly discuss the causal connection between adoption of the regulations, their implementation, potential impacts and proposed mitigations designed to reduce any such impacts to a less than significant level.

The IS relies upon Technical Memorandum No. 2: Wetland Definition, which analyzes several wetland definitions, drawn from a nationwide study area. Further, the technical paper documents the criteria used for developing the recommended wetland definition for the proposed policy and identifies the drawbacks of each alternative definition studied. The technical paper reviews and (and criticizes) the "Cowardin" wetland definition which, if used to define wetlands for the purposes of CEQA review, can result in wetlands evidencing only two parameters and which the County and the California Coastal Commission generally use for project review. For certain purposes, the California Coastal Commission applies a one parameter definition. The County's current CEQA Thresholds allow for the identification of wetlands when only two parameters are present, if the situation warrants it.

If the State Water Resources Control Board (SWRCB) accepts a 3-parameter wetland definition, it could result in potential confusion in future project-level CEQA analysis. On the one hand, the proposed definition could lead to increased protection for isolated wetland resources such as

123 E. Anapamu Street
Santa Barbara, CA 93101
Phone: (805) 568-2000
FAX: (805) 568-2030

624 W. Foster Road
Santa Maria, CA 93455
Phone: (805) 934-6250
FAX: (805) 934-6258

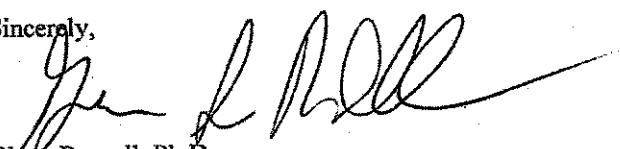
vernal pools (since the Regional Board would be regulating wetlands excluded from federal regulatory jurisdiction by the Supreme Court's SWANCC decision). On the other hand, to the extent that the new wetland definition does not recognize two-parameter wetlands, which the County does recognize, wetland protection could decrease for those areas that do not meet the 3-parameter wetland definition. The EIR should analyze discrepancies in wetland definitions used by local jurisdictions and agencies such as the California Coastal Commission in project level CEQA analysis.

II. Agricultural and Forest Resources

1. Sections a) through e) are expected to have a "less than significant impact with mitigation incorporated." The EIR should state the proposed mitigation measures and discuss how the measure reduces potential impacts to less than significant levels.
2. Page 24, section b) states: "Future actions conflicting with existing agricultural zoning would be required to seek amendments to local agricultural zoning ordinances to allow the future action use." The EIR should clarify what amendments will be required, what entity would be responsible for seeking the amendment and how such amendments might affect the agricultural industry and local jurisdiction.
3. The EIR should include an analysis of the direct and indirect conversion of agricultural land. The analysis should include an acreage calculation of irrigated and non-irrigated cropland and rangeland affected; quantify the amount of land designated as Prime Farmland, Farmland of Statewide Importance, Farmland of Unique Importance, Farmland of Local Importance, or Grazing land by the Important Farmland Maps. Please provide an acreage calculation of affected land under a Williamson Act contract.
4. Page 25, section e) states future actions, such as creation of new infrastructure, could result in the conversion of farmland to non-agricultural uses or the promotion of urbanization. It is unclear how a wetland protection policy and regulation could result in infrastructure or urbanization of farmland. Please clarify this statement in the draft EIR.
5. The EIR should graphically depict the areas that will be affected by the proposed project. Please clarify the purpose of the maps contained in attachment A.
6. The Central Coast Regional Water Quality Control Board is also proposing to revise the region's existing agricultural order from 2004. Please include an analysis of the project-specific and cumulative effects of the proposed WRAPP project and the proposed Agricultural Order for Santa Barbara County.

The County looks forward to continued dialogue on the proposed Wetland Area Protection Policy and Dredge and Fill Regulations. If you should have further questions, please do not hesitate to contact my office directly, or Jeff Hunt, Director of Long Range Planning Division, at (805) 568-2072.

Sincerely,



Glenn Russell, Ph.D.
Director of Planning and Development

COUNTY OF SANTA BARBARA
PUBLIC WORKS DEPARTMENT
123 East Anapamu Street
Santa Barbara, CA 93101
805\568-3000 FAX 805\568-3019



SCOTT D. MCGOLPIN
Director

February 1, 2011

State Water Resources Control Board
Attn: Janine Townsend, Clerk of the Board
Certification and Wetlands Program
P.O. Box 100, Sacramento, CA 95812-2000

Re: **Comment Letter –CEQA - Wetland Area Protection Policy & Regulations -
NOP Wetland Protection Policy and Dredge/Fill Regulations IS/EIR**

Dear Ms. Townsend,

The County of Santa Barbara Public Works Department has reviewed the above referenced document offers the following comments:

Project Description

Since the project is the adoption of new policies and regulations. The actual policies and regulations should be clearly identified and articulated in the project description or included as an appendix and summarized in the body of the environmental document. What is the policy statement that is the subject of the project and the new regulations that will implement this policy statement?

In June 2010, county agencies had the opportunity to comment on the draft regulations and a comment letter compiling county agencies' comments was sent under CSAC (California State Association of Counties), letterhead to the SWRCB. Unfortunately these draft regulations are not included in the NOP project description and as such individuals cannot see if any of their original concerns were addressed and cannot provide comments on the regulations at this juncture.

Wetland Area Definition and Delineation

The EIR should clearly identify where the definition of wetland proposed by the state would be different then the definition currently used by the Army Corps of Engineers (Corps). One example is provided in the IS, however if other differences exist they should be specifically identified in the project description and the impacts of changing this definition should be evaluated in the EIR.

The regulations should clearly identify that man-made water bodies or drainage channels (that may exhibit wetland characteristics) such as those constructed to meet the Water Board's storm water quality regulations or agricultural waiver program, or those associated with municipal

AA /EEO Employer

Thomas D. Fayram, Deputy Director

Mark Paul, Deputy Director

Dacé B. Morgan, Deputy Director

Michael B. Emmens, County Surveyor

Mark A. Schleich, Deputy Director



Fire Department

"Serving the community since 1926"

HEADQUARTERS

4410 Cathedral Oaks Road
Santa Barbara, CA 93110-1042
(805) 681-5500 FAX: (805) 681-5563

Michael W. Dyer
Fire Chief
County Fire Warden

Christian J. Hahn
Deputy Fire Chief

January 25, 2010

Ms. Jeanine Townsend, Clerk to the Board
State Water Resources Control Board
PO Box 100
Sacramento, CA 95812-2000

Dear Ms. Townsend:


SUBJECT: State Water Board NOP Wetland Protection Policy and Dredge/Fill Regulations IS/EIR

Fire Department staff has reviewed the above referenced project and has no comments as presented at this time.

Please notify the Fire Prevention Division of any changes to the project proposal. Further intensification of use or change in the project description may require additional review.

As always, if you have any questions or require further information, please call 805-681-5523 or 805-681-5500.

In the interest of life and fire safety,


Richard Todd
Division Chief/Fire Marshal

RJ: mkb