



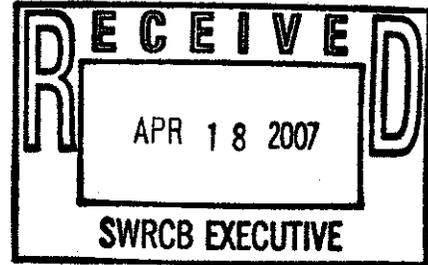
Los Angeles World Airports

Wetland/Riparian Policy
Deadline: 4/19/07 12 noon

April 19, 2007

BY FAX TO (916) 341-5252
ORIGINAL TO FOLLOW BY U.S. MAIL

State Water Resources Control Board
Executive Office
P.O. Box 100
Sacramento, CA 95812-0100



LAX
Ontario
Van Nuys

Attention: Song Her, Clerk to the Board

Palmdale
City of Los Angeles

Re: Comment Letter – Wetland and Riparian Area Protection Policy

Ladies and Gentlemen:

Antonio R. Villaraigosa
Mayor

Board of Airport
Commissioners

Alan I. Rothenberg
President

Valeria C. Velasco
Vice President

Joseph A. Arodas
Michael A. Lawson
Sylvia Patsouras
Fernando M. Torres-Gil
Walter Zifkin

Samson Mengistu
Acting Executive Director

This letter responds to the "Notice of Public California Environmental Quality Act (CEQA) Scoping Meeting" issued on March 15, 2007 by the State Water Resources Control Board ("SWRCB") for its *Proposed Wetland and Riparian Area Protection Policy* (the "Policy"). Los Angeles World Airports ("LAWA") shares the concerns, expressed by the Sacramento County Airport System ("Sacramento County") in its letter to you on this subject of April 6, 2007, that the interpretation and application of the proposed Policy could sometimes conflict with public safety at commercial airports in California. These public safety conflicts would include conflicts with Federal Aviation Administration ("FAA") and California Department of Transportation ("Caltrans") regulations and policies for the licensing and operations of airports, especially those regulations and policies relating to wildlife hazard management.

LAWA agrees with Sacramento County's description of the conditions that give rise to the hazards posed to public safety at airports by wildlife, primarily by birds, attracted to wetlands areas. Most airports are located on flat terrain. Large areas off the ends of runways and around the airport are left in open space, as clear zones for aviation safety and as buffers to prevent development in noisy areas. Wetlands, usually comprised of small and scattered areas of seasonally wet soils or streambed or wash areas that only occasionally have water flow, are often present in the open areas at or near commercial airports. Airports also typically have some drainage ditches for flood control and storm water management. These areas attract waterfowl when they are wet or hold vegetation, and, as Sacramento County describes, these birds pose significant safety hazards to aircraft through threatened and actual bird strikes.

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LAWA operates three commercial and one general aviation airport in southern California, Los Angeles International Airport ("LAX"), LA-Ontario International Airport ("Ontario"), LA-Palmdale Regional Airport ("Palmdale"), and Van Nuys Airport (VNY). These airports have vernal pools, scattered wetlands, drainage ways, dry streambeds and flood plains that may be covered by the Policy, especially if the SWRCB chooses policy Alternative 4.

LAWA strongly agrees with Sacramento County that in formulating its final wetlands Policy, the SWRCB should consult with the FAA regarding airports' obligations to eliminate and manage wildlife hazards under 14 Code of Federal Regulations Section 139.337 and all FAA policies implementing the regulation. The SWRCB's final Policy should be consistent with all the FAA's wildlife hazards regulation and policies and should not interfere with the airports' ability to operate in compliance with the regulation and those policies.

More generally, the final SWRCB Wetlands Policy should adopt reasonable and flexible standards and procedures as to the definition of wetlands and as to mitigations. The wetlands definition should be technically sound and reasonable in setting criteria and standards for what areas qualify as wetlands, and for the relative natural resource values of the qualifying wetland areas. The final definition should not overvalue areas that may qualify as wetlands, but that are now fragmented and degraded.

The off-site mitigation criteria and standards in the final Policy should allow mitigation for the loss of a qualified wetlands area at any location within the same region of the state as the project site at reasonable acreage ratios. For airports in particular, the Policy should acknowledge that, in order to avoid conflicts with FAA regulations and policies, the water boards must allow airports to select mitigation sites more than five miles away from the airport project areas being filled or otherwise disturbed.

Finally, LAWA would like to note a couple of administrative items relating to the Policy. The first item pertains to the current Streambed Alteration Agreement ("SAA") regulatory scheme that the California Department of Fish and Game ("DFG") currently administers under California statute, Fish and Game Code, Sections 1600-1616. Under this scheme, DFG already regulates removal of vegetation from and fill of streams, rivers and lakes in California. Some of these areas, especially streambed areas that are only seasonally wet, probably will also be regulated under the Policy. The SWRCB should formulate the final Policy so as not to invalidate agreements that DFG already has made in administering the SAA statute, and to allow for effective coordination in future regulation of the same areas by DFG under the old SAA statute and the water boards under the new Policy.

Second, LAWA asks that as the SWRCB formulates the final version of its wetlands Policy, it also plans and budgets for the staff needed to implement it. The goal here should be to have staff and consultants in place to administer the Policy, at the SWRCB in Sacramento and at all nine regional boards, as soon as the Policy takes effect. In this way, the SWRCB will be prepared to evaluate and approve or reject project proposals and related mitigation plans for important public infrastructure and private housing and commercial developments as soon as they are submitted under the new Policy. Such preparation will avoid unreasonable and costly delays in the important public infrastructure and private projects with lands covered by the SWRCB's new wetlands Policy.

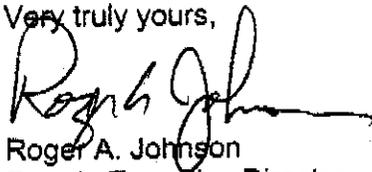
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Los Angeles World Airports appreciates the opportunity to submit these scoping comments for the proposed Wetland and Riparian Area Protection Policy. Please direct questions to me at (310) 417-0693, or to Mr. Andrew Huang at (310) 646-3853, extension 1007.

Very truly yours,



Roger A. Johnson
Deputy Executive Director
Los Angeles World Airports

cc: Samson Mengistu, Acting Executive Director, LAWA
Mark McClardy, Federal Aviation Administration
Brian Armstrong, Federal Aviation Administration
Mary C. Frederick, Caltrans Division of Aeronautics
Greg Rowe, Sacramento County Airport System
William Waterhouse, Esq., Assistant City Attorney