



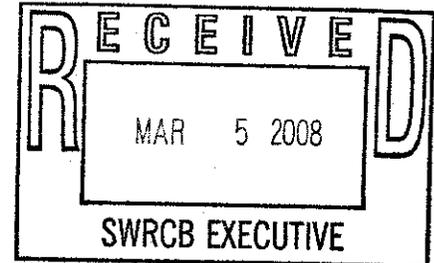
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3/18/08 Bd. Mtg. Item 11
Wetlands & Riparian Areas
Deadline: 3/5/08 by 12 p.m.

March 5, 2008

Ms. Jeanine Townsend
Clerk of the Board
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814



Re: Policy to Protect Wetlands and Riparian Areas

Dear Ms. Townsend:

The Regional Council of Rural Counties (RCRC), on behalf of our 31 member counties, appreciates the opportunity to submit preliminary comments on the State Water Resources Control Board's (State Water Board) proposed resolution to develop a policy to protect wetlands and riparian areas. RCRC appreciates the importance of protecting the state's wetlands, and the State Water Board's direction to staff to coordinate with other state and federal agencies and interested stakeholders to ensure a high degree of public involvement throughout the Policy development process. RCRC welcomes the opportunity to participate in this process.

The State Water Board has previously addressed the "gaps" in wetlands protections resulting from the 2001 U.S. Supreme Court decision in *Solid Waste Agency of Northern Cook County v. U.S. Army Corps of Engineers (SWANCC)* with the adoption of general waste discharge requirements for minor discharges to non-federal waters in 2004. RCRC is concerned, among other things, about the proposed expansion of wetland regulation to include wetland-related functions, riparian areas, and riparian area-related functions, as well as all perennial, intermittent, and ephemeral watercourses. For example, regulating "wetland-related" functions will regulate activities that do not have a direct impact "on waters of the state". RCRC additionally has reservations about expanding the definition of "wetlands" beyond that of the federal definition and established Corps standards.

In conclusion, RCRC appreciates the opportunity to provide the State Water Board with our preliminary comments and concerns, and requests RCRC's inclusion in the policy development discussions should the State Water Board adopt the resolution as proposed.

Sincerely,

Kaihy Mannion
Director of Water and Power

cc: Members of the State Water Resources Control Board