



VIA EMAIL: commentletters@waterboards.ca.gov

September 18, 2017

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



Re: STATEWIDE DREDGED OR FILL PROCEDURES

Dear Ms. Townsend:

In accordance with the revised Public Notice of August 22, 2017 for written comments on the revised draft State Wetland Definition and Procedures for Discharges of Dredged or Fill Materials into Waters of the State, the California Water Association ("CWA") is writing to inform you of its endorsement of two coalition comment letters that are being filed concurrently today. The first letter is sponsored by City of Ventura, the Sand Bernardino Valley Water Conservation District, and the Santa Clara Valley Water District, and is also endorsed by the Association of California Water Agencies and the California Municipal Utilities Association (collectively, the "Utilities" letter). The second letter is from a broad coalition of water interests, including drinking water utilities, wholesale water agencies, and agricultural and business interests (collectively, the "Coalition" letter).

CWA represents more than 100 investor-owned water utilities, all of which are regulated by the California Public Utilities Commission. These utilities serve safe, reliable, high-quality drinking water to more than 6 million Californians. Although most of these utilities are not directly affected by the proposed regulatory program being contemplated in this proceeding, wholesale water agencies, as well as their partners in a variety of recycled water, aquifer storage, and recovery, and other facilities designed to provide water to Californians, will be impacted by the proposed regulatory program.

Indeed, the principal reason CWA has endorsed the two separate comment letters is that the proposed procedures have the potential to hinder the very activities the State Water Resources Control Board ("State Water Board") is aggressively promoting in other venues – provide for augmentation of water supply, storage, and capture in a sustainable, reliable, and environmentally sensitive manner. Further, given that the procedures will affect a wide range of large and small infrastructure projects, CWA supports the adoption of a wetland definition and delineation techniques that are identical to the established definition used by the U.S. Army Corps of Engineers ("Corps").

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Of particular note, CWA concurs with the following recommendation in the Utilities letter:

- Exclude multi-benefit constructed facilities from permitting under the proposed regulatory program. This means removing these facilities from the jurisdictional waters of the state ("WOTS").

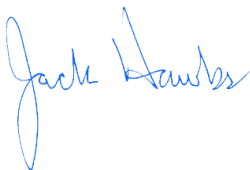
From a broader perspective with respect to the Coalition letter, CWA urges the State Water Board to:

- Make the wetland definition and delineation procedures consistent with their federal counterparts under the Corps' Section 404 program;
- Harmonize the exclusions from the Procedures with federal law;
- Identify non-wetland WOTS subject to the Procedures and include guidance for determining the limits of such features that is consistent with Corps practice;
- Eliminate the requirement of an alternatives analysis for all discharges subject to streamlined permitting procedures under Corps-issued general permits; and
- Make the mitigation requirements and priorities of the Procedures consistent with the Corps' Mitigation Rule.

All of these recommendations are supported by detailed evidence in the two coalition comment letters, and CWA commends both to the State Water Board's attention and action. CWA stands ready to work with the Board to address the concerns expressed in the coalition letters and to reach an optimal outcome for the affected parties.

If you have any questions or if I can be of any further assistance, please feel free to contact me at jhawks@calwaterassn.com or (415) 561-9650.

Sincerely,



Jack Hawks
Executive Director

Cc (by e-mail): Honorable Members of the State Water Resources Control Board
Eileen Sobeck, Executive Director
Jonathan Bishop, Chief Deputy Director
Karen Larsen, Deputy Director, Division of Water Quality