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*Chief Executive Officer*

September 18, 2017

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

Via E-Mail to: [commentletters@waterboards.ca.gov](mailto:commentletters@waterboards.ca.gov)

**Re: State Wetland Definition and Procedures for Discharges of Dredged or Fill Materials to Waters of the State**

Dear Ms. Townsend:

Bay Planning Coalition (BPC) writes to provide comments regarding the State Wetland Definition and Procedures for Discharges of Dredged or Fill Materials to Waters of the State ("Procedures"), formerly known as the Wetland and Riparian Area Protection Policy.

BPC is a nonprofit, member organization that advocates for sustainable commerce, industry, infrastructure, recreation and the natural environment connected to the San Francisco Bay and its watershed. Together with our nearly 150 member organizations, we work diligently to ensure, among other things, that land on the Bay is used wisely and developed in economically and environmentally sound ways.

While we appreciate the State Board's efforts to create a program that is consistent with the U.S. Army Corps of Engineers ("Corps") current regulatory agreements, we agree with comments submitted by the business and industry coalition of over 45 organizations. As a part of this coalition, we are concerned with the scope of the Procedures relative to its needs and legal authority. As currently drafted, the Procedures will create unnecessary conflict by proposing a new wetland definition that differs from the definition that has been used by the Corps since 1977. This inconsistency will result in different wetland determinations by the Water Board and the Corps, leading to conflicting alternatives analysis determinations and mitigation requirements.

Moreover, we are concerned that the Procedures will place undue burdens on business owners by setting new regulatory requirements that will affect projects from large infrastructure projects to smaller projects needed for operations and maintenance. We understand that, unless modified, the Procedures will delay the Corps' streamlined Nationwide Permit ("NWP") program, subjecting more than 200 NWP-qualified projects each year to costly and time-consuming application requirements. Such added costs and delays will impact small and medium sized businesses, and many local governments, potentially affecting the health, safety, and economic well being of our region.



We support measures to protect wetlands no longer subject to federal jurisdiction without adding duplicative regulatory processes that increase burdens on land and business owners. In conclusion, we encourage the State Board to adopt a program that fills the regulatory gap by protecting non-federal waters of the state as if they were regulated by the Corps' current procedures, including a wetlands definition and delineation techniques that are identical to the definition used by the Corps.

We appreciate the opportunity to provide you with these comments.

Thank you,

A handwritten signature in blue ink, appearing to read "JAC" followed by a horizontal flourish.

John A. Coleman  
Chief Executive Officer