

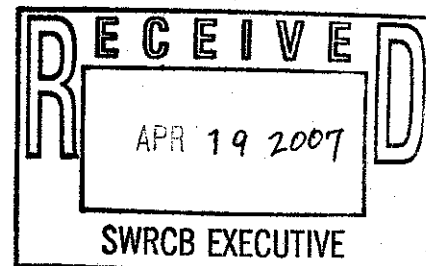


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April 19, 2007

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

Song Her  
Clerk to the Board  
Executive Office  
State Water Resources Control Board  
PO Box 100  
Sacramento, CA 95812-0100



RE: Comment Letter – Wetland and Riparian Area Protection Policy

Dear Ms. Her:

Ducks Unlimited (DU) is pleased to provide comments to the State Water Resources Control Board (SWRCB) on the Proposed Wetland and Riparian Area Protection Policy. Ducks Unlimited is the nation's leader in non-governmental wetlands restoration, conservation and management. We believe action to improve wetlands protection in California is needed and overdue. Our comments at this time will be brief, in keeping with the preliminary nature of the proposal, however we hope to work with the SWRCB as the proposal is developed to ensure this proposal is 1) protective of wetlands and 2) supportive of state, federal and private efforts to restore and manage California's wetlands and riparian areas.

Alternative 4 would provide the greatest protection to wetland and riparian areas. We support, in general, the direction of Alternative 4. However, we are concerned that some provisions of Alternative 4 as now proposed could impede wetlands restoration efforts and block ordinary management of existing wetlands. We hope that is not the intent of Alternative 4 and wish to ensure that there are no such unintended consequences that actually thwart wetlands restoration and management in California.

There are over two-hundred thousand acres of managed wetlands in the Central Valley alone, and there are hundreds of wetland and riparian habitat restoration projects undertaken annually in California. Ducks Unlimited alone has over 130 wetlands projects currently underway in the state. Current state-federal-private planning calls for an additional 100,000 acres of restored wetlands over the next few years. It is essential that the SWRCB recognize and support wetlands restoration, support the existing state and federal government planning efforts that have gone into wetlands restoration work, and not create policies that would thwart restoration and management of wetlands and riparian areas. As one example, our concern was focused on language in SWRCB's "Informational Document" proposing "protection" of wetlands from "land and vegetation clearing." In practice, management and restoration of wetlands involves land and vegetation management as a general matter. Manipulation and clearing of vegetation is HOW wetlands are restored and managed, thus creating, enhancing or optimizing wetland functions and values. There other similar provisions of concern in the Informational Document.

The SWRCB should include as part of Alternative 4 a provision specifically designed to define and exempt from permitting requirements "normal wetland restoration, enhancement and management practices."

DU agrees that a consistent definition of wetlands and riparian areas is needed. We suggest the SWRCB pursue a broad definition that protects the full range of California's wetlands, including seasonal, isolated and intermittent wetlands. We suggest the SWRCB look at the U.S. Fish and Wildlife Service's definition of wetlands which includes swamps, freshwater, brackish water, and saltwater marshes, bogs, vernal pools, periodically inundated saltflats, intertidal mudflats, wet meadows, wet pastures, springs and seeps, lakes, ponds, rivers, streams, and areas that are periodically or permanently covered by shallow water, or dominated by hydrophytic vegetation, or in which the soils are predominantly hydric in nature.

We also suggest the SWRCB use a definition for riparian areas that considers all the functions and values of a riparian area. In addition, even though riparian areas usually are not considered jurisdictional wetlands under the federal Clean Water Act, their value to wildlife is very significant. It is especially important to protect riparian areas, since over 95% of riparian areas in California have been destroyed. Ducks Unlimited is also working to restore riparian areas in the state, and can attest to the significant value to wildlife, as well to the positive benefits on water quality and general ecosystem diversity and function.

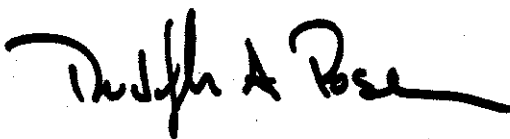
We suggest the SWRCB also consider regulations protecting wetlands and riparian areas issued by other state agencies (e.g. Department of Fish and Game 1600 regulations) to ensure that one hand of state government does not undue or confound the work to protect and restore wetlands being undertaken by another hand of state government.

Finally, we urge the SWRCB to move forward as quickly as possible to adopt a statewide wetlands and riparian area protection policy, but one that does not hinder restoration of wetlands or normal management of existing wetlands as it now appears the proposed Alternative 4 would do.

Ducks Unlimited thanks the Board for taking on this important task and for the opportunity to provide input. We offer our services and technical expertise to assist the SWRCB in developing this policy.

Please feel free to contact me at 916-852-2000 or [rrosen@ducks.org](mailto:rrosen@ducks.org). for more information to assist the SWRCB.

Respectfully,



Rudolph Rosen, Ph.D.  
Director