

Development of Implementation Guidance for the Dredge or Fill Procedures

Informal Stakeholder Meeting



December 2, 2019; 2-4 pm

Today's Meeting

- Overview
- General Timeframe
- Approach for Developing Implementation Guidance
- Proposed Topics for Implementation Guidance
- Discussion
- Next Steps

Overview

- State Wetland Definition and Procedures for the Discharges of Dredged or Fill Material to Waters of the State
 - Adopted April 2, 2019
 - Effective May 28, 2020
- State Water Board Resolution No. 2019-0015
 - Develop implementation guidance for potential applicants, and to solicit informal input from stakeholders prior to finalizing the guidance
 - Work with stakeholders, relevant state agencies, and scientific organizations to develop best practices for conducting a climate change assessment

General Timeframe

- In progress: Solicit informal input and develop draft implementation guidance
- January/February: Circulate draft guidance to the public and hold an additional informal meeting
- February/March: Conduct Water Board staff training
- March/April: Finalize and distribute public guidance
- April/May: Hold public workshops to answer questions/discuss
- May 28, 2020: Procedures effective

Water Board Staff Training Topics

Staff training program is under development; the topics to be covered include:

- Application Completeness Review
- Alternatives Analysis
- Wetland Definition and Jurisdictional Framework
- Climate Change Assessment
- Watershed Approach and Watershed Profiles
- Compensatory Mitigation

1. Guidance Approach

Guidance will reference other relevant materials:

- Staff training materials (under development)
- Technical Advisory Memos
 - Wetland Definition and Delineation
- Federal Training Manuals
 - Wetland Delineation

2. Guidance Approach

Identify topics that need additional guidance via public stakeholder meetings

For each topic presented today:

- Have we considered all the relevant sub questions for each topic?
 - If not, what is missing?
- Are there additional sources of guidance we should be looking at?
- Are the sources of guidance we have included appropriate for the topic?
 - If not, why?
- What else should we consider as we move forward?

Application Completeness

How can applicants minimize iterative application submissions?

- A review of items needed for a complete application
- Additional topics:
 - Pre-application consultation
 - Review of application processing timelines
 - CEQA

Alternatives Analysis

The Procedures require preparation of an alternatives analysis for projects that meet certain thresholds.

- When will I be required to prepare an alternatives analysis?
- If I am required to prepare an alternatives analysis, what is the appropriate level of effort?

Conditional Requirements - General

Some of the Procedures requirements are on a case-by-case basis:

- When will I know if I am required to submit conditional, or case-by-case, application requirements?
 - Information to supplement dry season delineations
 - Water quality monitoring plans for in water work
 - Restoration plans for temporary impacts

Conditional Requirements – Compensatory Mitigation

For mitigation, the Procedures require using a watershed approach

- What is a watershed approach?
- What is a watershed profile, and when do I need to prepare one?
- What is a watershed plan, and do I need to prepare one?
- What is a project evaluation area and how do I determine that?

Conditional Requirements – Climate Change Assessments for Mitigation Projects

The Procedures include a case-by-case requirement for a climate change assessment for permittee-responsible mitigation.

- When should I prepare a climate change assessment for my mitigation project?
- What data or sources of information should I consider when preparing a climate change assessment?

Under development: Best Practices for Climate Change Assessment

- Draft framework in development
- Workgroup includes representatives from state and regional water board staff, EPA, other state agencies, and stakeholder groups such as NGOs, local water districts, and environmental consultant firms.

Next Steps

- Staff to consider the feedback received
- Draft implementation guidance assembled
- January/February: Circulate draft guidance to the public and hold an additional informal meeting to discuss
- March/April: Finalize and distribute public guidance
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Contact Information

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