Developing a Policy to Protect Wetlands and Riparian Areas

**PHASE 1**

**CEQA Scoping Meetings**

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San Francisco Bay Regional Water Quality Control Board
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Los Angeles: August 20, 2008

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The California Environmental Quality Act (CEQA)

- Designed to minimize harmful impacts to the environment
- Applies to projects conducted, approved, or permitted by government agencies
- Ensures that government listens to the public
- Requires that government responds to public comments that raise significant environmental points

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What Does CEQA require?

- Identification of potentially significant environmental impacts
- Evaluation of potential cumulative impacts
- Discussion of alternative implementation actions that could reduce impacts
- Mitigation measures to reduce impacts
- Consideration of alternatives to the project, including "no project"
**Steps in the Water Boards’ CEQA Process**

- Board holds “scoping” meeting and takes comments from the public about possible environmental effects
- Staff prepares Environmental Checklist
- Public reviews and comments on project documents
- Staff responds to comments
- Board adopts the project at a public meeting, and certifies the environmental analysis

**The CEQA Scoping Step**

- Scoping ensures Water Board considers public input into our water quality policies and projects.
- Some actions designed to improve one aspect of the environment may have adverse affects on other aspects of the environment.

**Areas of Concern to CEQA**

- Aesthetics
- Agricultural resources
- Air quality
- Biological resources
- Cultural resources
- Geology and soils
- Hazards and hazardous materials
- Hydrology and water quality
- Land use and planning
- Mineral resources
- Noise
- Population and housing
- Public services
- Recreation
- Transportation and traffic
- Utilities and service delivery systems
- Climate change
The Environmental Checklist

- For a Policy project, the checklist frames the project and provides a structure for public input.
- For each category, we evaluate the project’s potential to result in:
  - Potential significant impacts
  - Less than significant impacts with mitigation measures incorporated in the project
  - Less than significant impacts
  - No Impacts

Effects to Consider Under CEQA

Do consider:
- Direct physical changes in the environment
- Reasonably foreseeable indirect effects of the project (e.g., growth-inducing or other effects related to land use changes)

Need not consider:
- Changes to the environment with effects already considered
- Changes that would occur regardless of the Policy
- Changes that are speculative

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Policy Phase 1: Scoping Issues

- Wetland Definition
  - Statewide consistency
  - Protection for all waters of the State
- Protection of wetlands from dredge and fill activities
  - Land use changes
  - Construction activities associated with restoring and/or creating wetlands

Wetland Definition

- New statewide definition will extend to waters not protected by federal law, and not currently protected statewide
  - Isolated wetlands
  - Intermittent streams
  - Vernal pools
  - Seasonal wetlands
  - Wetlands modified by human activity

Actions to Protect Wetlands From Dredge and Fill Activities

- Changes in land use
- Construction activities associated with restoring and/or creating wetlands
Protection from Dredge and Fill: CEQA topic areas to consider may include...

II. Agricultural resources
III. Air quality
IV. Biological resources
V. Cultural resources
VI. Geology and soils
VII. Hazards and hazardous materials
VIII. Hydrology and water quality
IX. Land use and planning
XI. Noise

Example: Less than Significant Impact with Mitigation Incorporated

VIII. Hydrology and Water Quality: Would the project:

c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?

Issue: Wetland restoration construction activities could result in short-term erosion and downstream siltation.

Mitigation: On-site erosion control management measures

We Need Your Ideas and Input

- Please give us your comments on:
  - Possible impacts of Policy implementation
  - Mitigation measures you can suggest
  - Possible cumulative impacts (with other projects in the area)
- Identify issues that you think should be included in the environmental evaluation
We Invite Your Comments!

- To ensure that scoping comments are considered, they must be received at the Water Board by 12 p.m. on Monday, September 8, 2008.
- Send written comments to:
  Jeanine Townsend, Clerk to the Board
  State Water Resources Control Board
  1001 I Street, 24th Floor
  Sacramento, CA 95814
  fax - (916) 341-9620
  email - commentletters@waterboards.ca.gov
  subject line: Comment Letter-Wetland and Riparian Area Protection Policy