

Developing a Policy to Protect
Wetlands and Riparian Areas
PHASE 1
CEQA Scoping Meetings

Ben Livsey, Environmental Specialist
San Francisco Bay Regional Water Quality Control Board
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Los Angeles: August 20, 2008

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

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

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

Appendix A CEQA Checklist

ENVIRONMENTAL IMPACTS

Item	Assembly Bill 680 Project	Local Plan Project	Local Plan Regional	Local Plan State	No Project
IV. BIOLOGICAL RESOURCES – Would the project:					
a) Have a substantial adverse effect, either directly or through habitat modification, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pools, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Interfere substantially with the movement of any native resident or transient fish or wildlife species or with established native resident or transient wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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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

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

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) 341-5620

email -commentletters@waterboards.ca.gov
subject line: Comment Letter-Wetland and Riparian Area
Protection Policy
