

State Water Resources Control Board

NOTICE OF PUBLIC HEARING, PUBLIC WORKSHOPS, OPPORTUNITY TO COMMENT AND FILING¹

PROPOSED AMENDMENTS TO THE CALIFORNIA OCEAN PLAN AND INLAND SURFACE WATERS, ENCLOSED BAYS, AND ESTUARIES OF CALIFORNIA PLAN TO INCLUDE PROCEDURES FOR DISCHARGES OF DREDGED OR FILL MATERIALS TO WATERS OF THE STATE (FORMERLY KNOWN AS THE WETLANDS POLICY)

NOTICE IS HEREBY GIVEN that the State Water Resources Control Board (State Water Board) will receive public comments on proposed amendments to both the Water Quality Control Plan for Ocean Waters of California (Ocean Plan), and the Water Quality Control Plan for Inland Surface Waters, Enclosed Bays, and Estuaries of California (ISWEBE Plan) to include procedures for discharges of dredged or fill materials to waters of the state (proposed Amendments), and the Draft Staff Report, including the Draft Substitute Environmental Documentation (Draft SED).

State Water Board staff will hold two public workshops to provide information and answer questions from the public on the proposed Amendments and Staff Report. A quorum of State Water Board members may be present; however, no Board action will be taken.

**June 28, 2016
1:00 p.m.**

Los Angeles Regional Water
Quality Control Board,
Carmel Room
320 West Fourth Street, Suite 200
Los Angeles, CA 90013

**July 7, 2016
10:00 a.m.**

Central Valley Water Quality Control Board
Sacramento Office, Auditorium
11020 Sun Center Drive, Suite 200,
Rancho Cordova, CA

The State Water Board will hold a public hearing to receive public input and comments on the proposed Amendments and adequacy of the Draft SED.

Tuesday, July 19, 2016

Joe Serna Jr. - CalEPA Headquarters Building
Coastal Hearing Room
1001 I Street, Second Floor
Sacramento, CA 95814

¹ Notice of Filing submitted under California Code of Regulations, title 23, section 3779.

BACKGROUND

The State Water Board is considering amendments to the Ocean Plan and the ISWEBE Plan to adopt procedures for discharges of dredged or fill material to waters of the state (proposed Procedures). The proposed Procedures consist of the following components: (1) a wetland definition, (2) wetland delineation procedures, and (3) procedures for applications, and the review and approval of Water Quality Certifications, Waste Discharge Requirements, and waivers of Waste Discharge Requirements for dredged and fill activities.

The State Water Board developed the proposed Procedures to address several important issues. First, there is a need to strengthen protections for waters of the state that are no longer protected under the Clean Water Act (CWA) due to U.S. Supreme Court decisions. Second, there is inconsistency across the Water Boards in requirements for discharges of dredged or fill material into waters of the state, including wetlands. There is no single accepted definition of wetlands at the state level, and the Water Boards may have different requirements and levels of analysis with regard to the issuance of dredge or fill Orders. Third, current regulations have not been adequate to prevent losses in the quantity and quality of wetlands in California, where there have been especially profound historical losses of wetlands.

The proposed Procedures have been previously referred to by the State Water Board as the Water Quality Control Policy for Wetland Area Protection and Dredged or Fill Permitting. However, for administrative purposes, the decision was made to convert the policy into amendments to the Ocean Plan and the ISWEBE Plan. The title has been updated to better communicate to the public that the proposed dredge and fill procedures apply to all waters of the state, including both waters of the United States and waters of the state outside of federal jurisdiction, not just to wetlands. Please note that these procedures would not apply to suction dredge mining activities for mineral recovery.

DOCUMENT AVAILABILITY

The proposed Procedures and related documents and information are available on the State Water Board's web site at:

http://www.waterboards.ca.gov/water_issues/programs/cwa401/wrapp.shtml.

You may request a paper copy of the proposed Procedures by contacting Ana Maria Saenz at (916) 341-5480 or AnaMaria.Saenz@waterboards.ca.gov

Additional information on the hearing in Sacramento can be found at the State Water Board's web site at http://www.waterboards.ca.gov/board_info/calendar/.

SUBMISSION OF WRITTEN COMMENTS

The State Water Board will accept both written and oral comments on the proposed California Ocean Plan and Inland Surface Waters, Enclosed Bay, and Estuaries of California Plan amendments. Written comments must be received by **12:00 Noon on Thursday, August, 4, 2016**, and addressed to:

Jeanine Townsend, Clerk to the Board
State Water Resources Control Board
P.O. Box 100, Sacramento, CA 95812-2000 (mail)
1001 I Street, 24th Floor, Sacramento, CA 95814 (hand-delivery)
Sacramento, CA 95814

Comment letters may be submitted electronically, in pdf text format (if less than 15 megabytes in total size), to the Clerk to the Board via e-mail at commentletters@waterboards.ca.gov. If the file is greater than 15 megabytes in total size, then the comment letter may be submitted by fax at (916) 341-5620. Please indicate the subject line: **"Statewide Dredged or Fill Procedures"**

Couriers delivering hard copies of comment letters must check in with lobby security personnel, who can contact Ms. Townsend at (916) 341-5600.

PROCEDURAL MATTERS

At the July 19th public hearing, there will be no sworn testimony or cross-examination of participants. However, the State Water Board and its staff may ask clarifying questions. At the hearing, participants will be given an opportunity to summarize and supplement their written materials with oral presentations. To ensure a productive and efficient hearing in which all participants have an opportunity to participate, oral presentations may be time-limited. For other presentation recommendations, go to:

http://www.waterboards.ca.gov/board_info/meetings/board_presentations.shtml.

The State Water Board will schedule a subsequent meeting to consider adoption of the proposed Amendments.

CALIFORNIA ENVIRONMENTAL QUALITY ACT

This is to advise that the State Water Board is proposing to adopt or amend the Ocean Plan and the forthcoming ISWEBE Plan in accordance with a regulatory program exempt under Section 21080.5 of the Public Resources Code from the requirement to prepare an environmental impact report under the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) and with other applicable laws and regulations.

PARKING AND ACCESSIBILITY

For directions to the Joe Serna, Jr. (CalEPA) Building and public parking information, please refer to the map on the State Water Board Web site:

<http://www.calepa.ca.gov/EPAbldg/location.htm>.

The CalEPA Building is accessible to persons with disabilities. Individuals requiring special accommodations are requested to call (916) 341-5880 at least 5 working days prior to the meeting. TDD users may contact the California Relay Service at (800) 735-2929 or voice line at (800) 735-2922. An audio broadcast of the meeting will be available via the internet and can be accessed at: <http://www.calepa.ca.gov/broadcast/>.

All visitors to the CalEPA Building are required to sign in and obtain a badge at the Visitor Services Center located just inside the main entrance (10th Street entrance). Valid picture identification may be required. Please allow up to 15 minutes for receiving security clearance.

FUTURE NOTICES

The State Water Board will hold the public workshop and public hearing at the time and place noted above. Any change in the date, time, and place of the public workshop and public hearing will be noticed on the Lyris e-mail list. Any person desiring to receive future notices concerning the proposed Amendment, including any changes to the notice of public hearing and the subsequent meeting for consideration of adoption, must sign up for the Lyris e-mail list. To sign up for the Lyris list, access the E-mail List Subscription form at the web address listed below, select the box for 'Statewide Dredged or Fill Procedures' (located within the section entitled 'Water Quality Topics'), and provide the required information. The subscription form is

located at:

http://www.waterboards.ca.gov/resources/email_subscriptions/swrcb_subscribe.shtml.


CONTACT INFORMATION

Questions regarding this notice may be directed to AnaMaria Saenz at (916) 341-5480

(AnaMaria.Saenz@waterboards.ca.gov) or Bill Orme at (916) 341-5464

(Bill.Orme@waterboards.ca.gov)

June 17, 2016
Date



Jeanine Townsend
Clerk to the Board