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September 5, 2017

Ms. Felicia Marcus Chair and Board Members State Water Resources Control Board  
1001 I Street, 24<sup>th</sup> Floor  
Sacramento, CA 95814

Attn: Ms. Jeanine Townsend, Clerk to the Board ([commentletters@waterboards.ca.gov](mailto:commentletters@waterboards.ca.gov))

Subject: Procedures for Discharges of Dredged or Fill Materials to Waters of the State

Dear Chair Marcus and Board members:

My name is Bill Tippetts and I am writing today to express my support for the proposed statewide wetlands policy regulation ("Procedures for Discharges of Dredged or Fill Materials to Waters of the State"), and ask you and the other board members to approve the regulation. California has lost over 90% of its historic wetlands, and we must do all we can to stop further harm, protect what remains, and rebuild some of what we've lost.

Wetlands provide important habitat for many native species in this state, such as birds, fish, reptiles, and amphibians. Wetlands improve water quality by filtering water. They can also provide key protections from the rising ocean levels that climate change will bring.

California's Porter-Cologne Act says that **all** waters of the state are jurisdictional. The State Water Resources Control Board and Regional Boards can, under Porter-Cologne regulate and protect our state's wetlands, independent of federal agencies or laws. The latest version of the SWRCB's wetlands rule would adopt a new definition of wetlands and lead to improved wetland protection. I urge the State Water Board to adopt these new regulations, with two changes.

First, the science of wetland restoration or creation is far from perfect and usually mitigation wetlands don't function as well as natural wetlands and even when they work it often takes a decade or more before they really start to function as they should. For this reason, and in order to comply with the State's "no net loss" of wetland acreage or function policy, the Board must require the new **compensatory mitigation** policy to mitigate every wetland acre destroyed or degraded with **at least** an acre of newly restored or created wetlands. Very limited/sensitive wetland types such as vernal pools, alkaline wetlands and similarly scarce types should be mitigated at least 2:1.

Second, the "Alternatives Analysis" section is inadequate. The proposed policy states that every wetland-destroying project must submit an "Alternatives Analysis" showing why the project couldn't be undertaken on a non-wetland site. This is the heart of the regulation. But the policy then states that a Regional Water Board can ignore the Alternatives Analysis requirement for any project – without any factual basis for to justify that decision. That "escape clause" would allow wetland destruction to continue as before the regulation. The State Water Board must require a full and complete Alternatives Analysis to be performed for every project. With these changes, the "Procedures" will greatly enhance our chances to preserve our state's wetlands.

Approval and implementation of the revised regulation is needed to protect wetlands against the rollback of federal protections. This is wholly unacceptable, and the State must do all it can to protect our resources from federal inaction. The State Water Resources Control Board stands in a unique position to lead in the face of federal retreat. I urge you to use your authority to adopt the statewide wetlands regulation (revised as described above).

Sincerely,

Bill Tippetts ([billtippetts@gmail.com](mailto:billtippetts@gmail.com))

