



November 28, 2012

Ms. Felicia Marcus
Mr. Steve Moore
Board Members
State Water Resources Control Board
1001 I Street
Sacramento, CA 95814

RE: Preliminary Draft Wetland and Riparian Area Protection Plan (WRAPP)

Dear Board Member Marcus and Board Member Moore,

Thank you for meeting with us on November 7, 2012 to discuss the Preliminary Draft Wetland and Riparian Area Protection Plan (WRAPP). We believe this policy is an important step toward protecting California's remaining wetlands and we support the Water Board's efforts to move this policy toward completion.

Wetlands have tremendous societal benefits, unfortunately, our laws and policies are failing to adequately protect wetland ecosystems. California has been blessed with an incredible array of wetlands and while the protections afforded by federal law do a good job protecting some types of wetlands, not all wetlands that are protected under the authority of the Porter-Cologne Water Quality Control Act have been protected consistently. We have lost nearly 90% of our historic wetlands and the remaining 10% are under ever increasing pressure from population growth, land development, climate change, and sea-level rise. California needs its own policy to protect what remains of all of our diverse types of wetlands, and in doing so, our quality of life.

California needs a consistent approach to protecting and restoring all wetlands and we appreciate the Board's attempt to produce a policy that achieves that goal. The policy currently proposed is consistent with the protections afforded federal waters under the Clean Water Act and will ensure that the State's approach to regulation of waters of the State mirrors the process that occurs at the federal level. California's wetlands are in dire need of protection and we urge the Board to complete its draft policy and CEQA review as soon as possible.

In addition, we are concerned that the Prior Converted Cropland (PCC) section will lead to a substantial loss in wetland acreage. Prior Converted Croplands are, in fact, wetlands that in large part still provide significant wetland functions and values or could be easily restored to fully functioning wetlands. The policy provides no recapture clause for these areas, contrary to existing federal regulations. What is particularly perplexing is why the Board is considering an exemption for PCC when a January 18, 2005 United States Department of Agriculture (USDA) letter requested suspension of the PCC Memorandum of Agreement (MOA) because it was in conflict with the Food Security Act (FSA) statute.

While it does provide some sideboards by requiring lands be converted prior to 1985 and remain so currently and that the Army Corps of Engineers has confirmed independently that the lands are PCC, it has not

been demonstrated that adequate and reliable information exists to assure a potential PCC site is in compliance with this fundamental requirement. We think this section should be removed. If not removed, the Board should provide a recapture clause just as it does for other agricultural activities. We attach our memo to staff on the PCC exemption for your information.

We appreciate the opportunity to meet with you to discuss our thoughts on the policy. If you have any questions, please feel free to contact any of us.

Sincerely,

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Carin High and Arthur Feinstein
Citizen's Committee to Complete the Refuge

Jim Metropulos
Sierra Club California

Lisa Belenky
Center for Biological Diversity

Kelly Catlett
Defenders of Wildlife