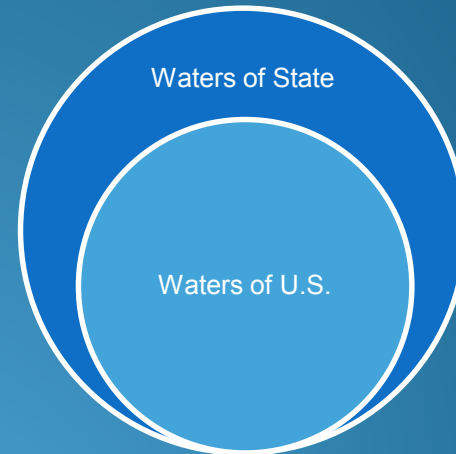
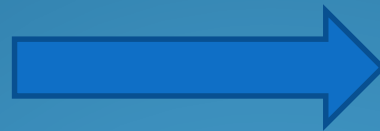
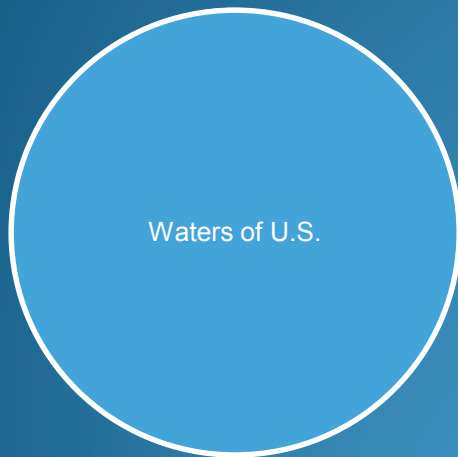


# Background

- Water Boards regulate:
  - Federal waters (Section 401 of Clean Water Act)
  - State waters (Porter-Cologne Act)
- Caltrans obtains permits:
  - 401 Certification
  - 401 Certification or Waste Discharge Requirements



- Before 2001 – federal and State waters effectively the same
- 2001 and 2006 – U.S. Supreme Court reduced federal jurisdiction
  - Left a “gap” between State and federal jurisdiction of waters

# Procedures: Development & Coordination

- 2007 – State Water Board began developing a wetland protection policy
- 2019 – State Water Board released Final Draft Procedures
  - Address the “gap” and “standardize permitting processes”
  - Incorporates many of the comments that Caltrans has provided
- Caltrans has submitted comments to the State Water Board at several opportunities
  - Engaging in ongoing discussions (October 2017 – Present)

# Addressing Caltrans' Concerns

Final Draft Procedure addresses most major concerns:

- Increased / uncertain Alternatives Analysis requirements  
More certainty and allowance for exclusion added
- Change in requirements for already-scoped projects  
Applicability dates revised (6 month extension)
- Uncertainty over acceptable means of financial security  
Clarification added that must be legally allowable means

Remaining Concerns:

- Additional clarification needed  
To be discussed with prospective agreement
- Will likely increase staff time needed to develop applications  
Prospective agreement and AB 1282 task force working to clarify and find efficiencies to offset some of the impact

# Status and Next Steps

<b>Action</b>	<b>Date</b>
Release Final Draft Staff Report, and Procedures	January 3 <sup>rd</sup>
Public Workshops	January 9 <sup>th</sup> and 22 <sup>nd</sup>
State Water Board Consideration of Adoption	March 2019
Office of Administrative Law – rulemaking process concludes	Fall 2019
Effective Date	Early 2020

Questions?

# Dredge or Fill Procedures – Next Steps

Event	Date
Stakeholder Outreach to Clarify Intent	January 31 – February 1
Public Stakeholder Meeting	February 6
Board Update Information Item	February 19
Release Revised Procedures for 10-day Review	February 22
Proposed Board Consideration of Adoption	March 5