



June 6, 2024

The Honorable Dave Min
 Chair, Senate Committee on Natural Resources and Water
 1021 O Street, Room 3220
 Sacramento, CA 95814

Re: AB 2875 (Friedman) – STRONG SUPPORT

Dear Chairperson Min,

On behalf of the undersigned organizations, we are writing to support Assembly Bill 2875, authored by Assemblymember Laura Friedman. This bill would put into law the state’s long-standing policy to ensure no net loss and long-term gain of wetlands at a time in which the protection of wetlands is at serious risk due a recent Supreme Court decision that rolled back federal protections of our waters and wetlands.

Since 1993, California has had a “No Net Loss Policy” with respect to all state government programs that affect wetlands within the state. That policy aims to “ensure no overall net loss and long-term net gain in the quantity, quality, and permanence of wetlands acreage and values in California.” Exec. Order No.

W-59-93 (Aug. 23, 1993).

Yet ensuring no net loss—much less long-term net gain—remains an elusive goal. Historical filling and development projects have reduced our wetlands to a mere 10% of their original extent. The Central Valley originally had more than 4 million acres of wetlands that were, at one time, important stopover sites for millions of migratory birds. Today, the extent of seasonal wetlands in the Central Valley has decreased by more than 95%, and less than 200,000 acres of seasonal wetlands remain in the Valley. The loss of coastal wetlands is equally alarming with 95% of the formerly abundant lagoons and marshes along California's 1100-mile coastline lost to destruction. In southern California, studies have shown a loss of between 75 and 85% of historical wetlands.

Wetlands provide values that no other ecosystem can – values that are even more critical as California experiences the impacts from climate change. Wetlands are among the most productive ecosystems in the world, comparable to rain forests and coral reefs, and can be thought of as "biological supermarkets." Wetlands function as natural sponges that trap and slowly release surface water, rain, snowmelt, groundwater, and flood waters. Trees, root mats and other wetland vegetation also slow the speed of flood waters and distribute them more slowly over the floodplain. This combination of water storage and braking action lowers flood heights and reduces erosion. Coastal wetlands also provide natural barriers to shoreline erosion. Finally, wetlands filter water, providing natural water quality improvement.

The U.S. Supreme Court's decision in *Sackett v. EPA*, 143 S. Ct. 1322 (2023), severely restricted the definition of "waters of the U.S.," leaving many waterways and wetlands without federal Clean Water Act protection. *Sackett* has created a great deal of uncertainty for federal regulation and the state laws that align with and implement federal Clean Water Act requirements. Prior to the *Sackett* decision, opponents of wetland regulation had already attempted to confine California's ability to apply state wetlands regulation to areas that count as waters of the U.S.

AB 2875 provides important leadership for other states and provides a model for using state law to shield wetland resources from efforts to erode federal protections. By clearly stating in statute that it is the state's policy to ensure no net loss and long-term gain in the quantity, quality, and permanence of wetlands acreage and values in California, we will demonstrate our commitment to science-based wetland conservation that benefits our public health and biodiversity and supports our efforts to combat climate change and promote adaptation to the inevitable effects from climate change.

For these reasons, we urge your "Aye" vote on AB 2875.

Sincerely,

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