

# Advancing Ecosystem Restoration with Smarter Permitting

Case Studies from California

August 18, 2021

J. Letitia Grenier, Stephanie Panlasigui, Crissy Pickett, Gokce Sencan

Research supported by the S. D. Bechtel, Jr. Foundation and the PPIC CalTrout Ecosystem Fellowship



**PPIC**

PUBLIC POLICY  
INSTITUTE OF CALIFORNIA

PPIC WATER POLICY CENTER

# Setting the Stage

- California's ecosystem functions are impaired by water and land development and climate change
- Large-scale restoration is urgently needed to support biodiversity and deliver key services, like groundwater recharge, carbon sequestration
- The environmental permitting system--designed to limit harm from development--now hinders restoration projects
- Cutting the Green Tape effort is beginning to address need for reform
- Permitting is a key issue for hitting 30x30 conservation goals, addressing climate change



# Approach

- Research permitting problems for restoration and efforts to address those problems
- Convene expert restoration practitioners to learn and discuss ideas
- Use case studies of better restoration permitting to identify patterns and lessons learned



# Real Life Examples of Permitting Challenges

- McCormack-Williamson Tract: Restore 1,600 acres of tidal marsh and floodplain
- Elk River Recovery Program: Increase salmon populations, reduce flooding, and improve drinking water quality

Permit/Regulation/Consultation	Regulatory or Lead Compliance Agency	MWT	Elk River
Delta Levees Program	California Department of Fish and Wildlife (CDFW)	X	
California Endangered Species Act	CDFW	X	X
California Environmental Quality Act, Environmental Impact Report	DWR (lead compliance agency)	X	X
California Fish and Game Code, Sections 1600 to 1607	CDFW	X	X
Clean Water Act, Section 303d	Regional Water Quality Control Board (RWQCB)	X	
Clean Water Act, Section 401	RWQCB	X	X
Clean Water Act, Section 402	RWQCB	X	
Clean Water Act, Section 404	US Army Corps of Engineers (USACE)	X	X
Coastal Development Permit	California Coastal Commission		X
Conditional Use Permit	County Planning Department	X	X
Davis Dolwig Act	CDFW and DWR (lead compliance agencies)	X	
Delta Plan Consistency	Delta Stewardship Council	X	
Encroachment Permit	Central Valley Flood Protection Board and USACE	X	X
Farmland Protection Policy Act and Memoranda on Farmland Preservation	Natural Resource Conservation Services	X	
Federal Clean Air Act	Air Quality Management District	X	
Federal Endangered Species Act	USFWS/National Marine Fisheries Service (NMFS)	X	X
Federal Executive Order 11988: Floodplain Management	Council on Environmental Quality, Water Resources Council	X	
Federal Executive Order 11990: Protection of Wetlands	USACE (lead compliance agency)	X	X
Federal Executive Order 12898: Environmental Justice	USACE (lead compliance agency)	X	
Federal Executive Order 13007: Indian Sacred Sites and April 29, 1994 Executive Memorandum	USACE (lead compliance agency)	X	
Grading Permit	County Department of Public Works	X	X
Lease Amendment	State Lands Commission	X	X
Magnuson-Stevens Fishery Conservation and Management Act	NMFS	X	X
National Environmental Policy Act, Environmental Impact Statement	USACE (lead compliance agency)	X	X
National Historic Preservation Act	Office of Historic Preservation	X	X
Porter-Cologne Water Quality Act	RWQCB	X	
Rivers and Harbors Act, 408 permit	USACE		X



# Defining Smarter Permitting

- Currently, permitting overly burdens restoration projects with extra time, cost, and complexity
- Smarter permitting:
  - Takes less time
  - Costs less
  - Results in more acres permitted
  - Leads to more functional restored ecosystems



# Case Studies from across California



## Individual project locations

- Elk River Recovery Program
- Habitat Restoration and Enhancement Act projects
- McCormack-Williamson Tract
- River Partners projects
- South Bay Salt Ponds

## NOAA programmatic biological opinions

- ▨ Central Coast
- ▨ Central Valley
- ▨ North Coast
- ▨ South Coast

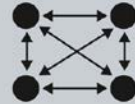
## Other programs

- San Francisco Bay Restoration Regulatory Integration Team
- Upper Santa Ana River Habitat Conservation Plan



# Three Dimensions of Smarter Permitting

Coordinating across similar projects



Coordinating within and among agencies



Functional permitting



# 1. Coordinating Across Similar Projects

- Programmatic apply to similar projects across a large area
- Upfront planning of one program pre-aligns many projects
- Reduces back-and-forth communication about permit requirements
- Steers projects toward agency goals





# Case Study: Habitat Restoration and Enhancement Act

- Expedited approval process
- Simplifies CA Department of Fish and Wildlife's permitting process for voluntary restoration projects
- Lower fees, faster turnaround, and fewer related permits



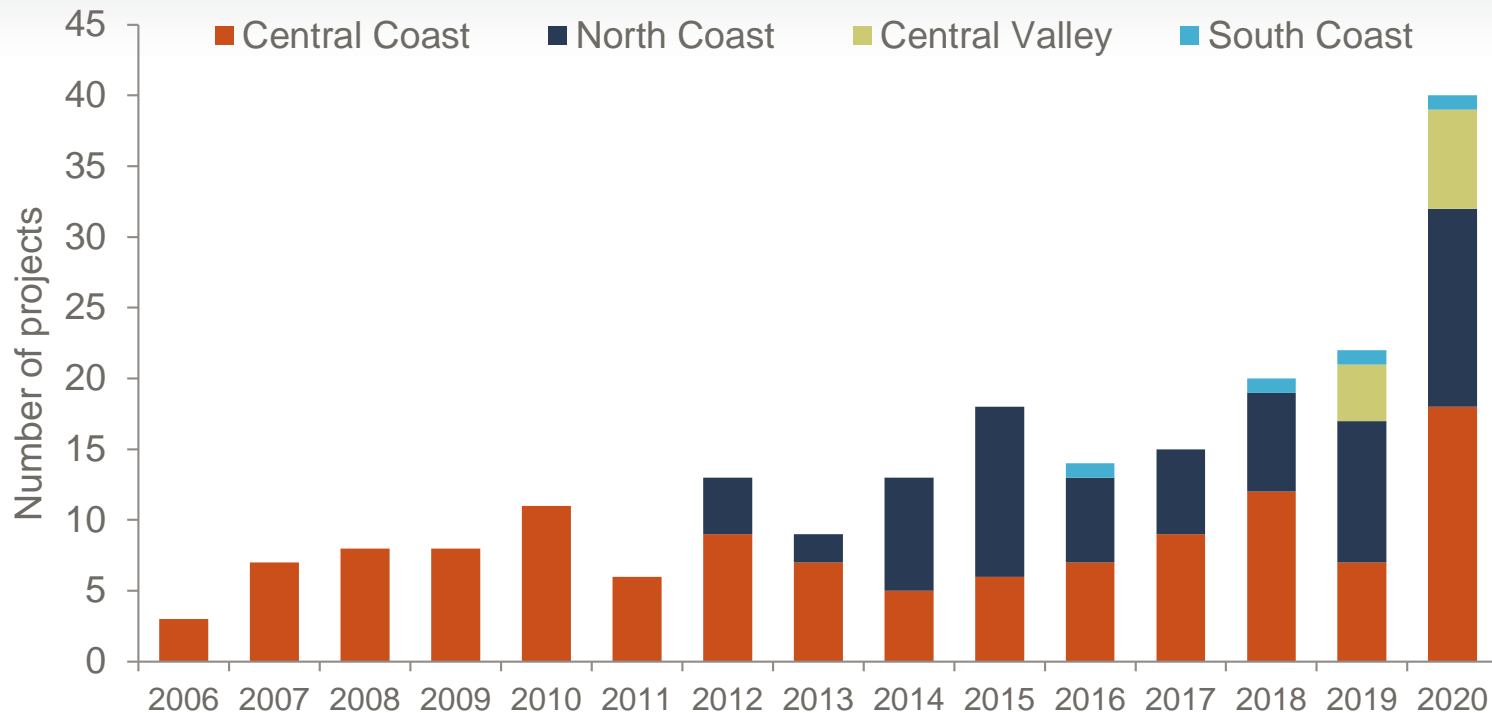
SOURCE: Chuck Gardner and Sustainable Conservation



**PPIC**

PUBLIC POLICY  
INSTITUTE OF CALIFORNIA

# National Marine Fisheries Service Programmatic Biological Opinions Have Saved \$5-13 Million



## 2. Coordinating Within and Among Agencies

- Challenge:
  - Restoration projects require approval from multiple agencies, typically with little interagency coordination
  - Conflicting agency requirements often require much back and forth to resolve
- Solution: Agencies can coordinate with each other on the front end to lessen this burden



# Case Study: Bay Restoration Regulatory Integration Team

- Pre-application coordination among six agencies for tidal marsh restoration in SF Bay
- Staff identify issues early and provide recommendations
- Culture shift towards teamwork and collaboration



SOURCE: Cris Benton



**PPIC**

PUBLIC POLICY  
INSTITUTE OF CALIFORNIA

# 3. Functional Permitting

- Focus on achieving desired ecosystem functions
- Trade-offs in different parts of the ecosystem allow more needs to be met; system works better as a whole
- Inclusive stakeholder process, strong scientific foundation are important for these large-scale efforts



# Case Study: Upper Santa Ana River HCP

- Urbanized watershed with water supply challenges for people and endangered species
- Water users bought into ecosystem restoration to recover fish so that some “take” is possible
- Move water to trade-off different functions in different parts of the watershed



SOURCE: Joanna Gilkeson USFWS



**PPIC**

PUBLIC POLICY  
INSTITUTE OF CALIFORNIA

# Takeaways

- Project proponents can initiate smarter permitting
- Coordinating at the ecosystem scale can help reconcile multiple objectives
- An inclusive process helps resolve management conflicts
- Early alignment is a wise investment
- A culture of trust allows flexibility and change



# Thank You

These slides were created to accompany a presentation. They do not include full documentation of sources, data samples, methods, and interpretations. To avoid misinterpretations, please contact:

Letitia Grenier (letitia@sfei.org)

Thank you for your interest in this work.



**PPIC**

PUBLIC POLICY  
INSTITUTE OF CALIFORNIA

PPIC WATER POLICY CENTER



# Advancing Ecosystem Restoration with Smarter Permitting

Case Studies from California

August 18, 2021

J. Letitia Grenier, Stephanie Panlasigui, Crissy Pickett, Gokce Sencan

Research supported by the S. D. Bechtel, Jr. Foundation and the PPIC CalTrout Ecosystem Fellowship



**PPIC**

PUBLIC POLICY  
INSTITUTE OF CALIFORNIA

PPIC WATER POLICY CENTER