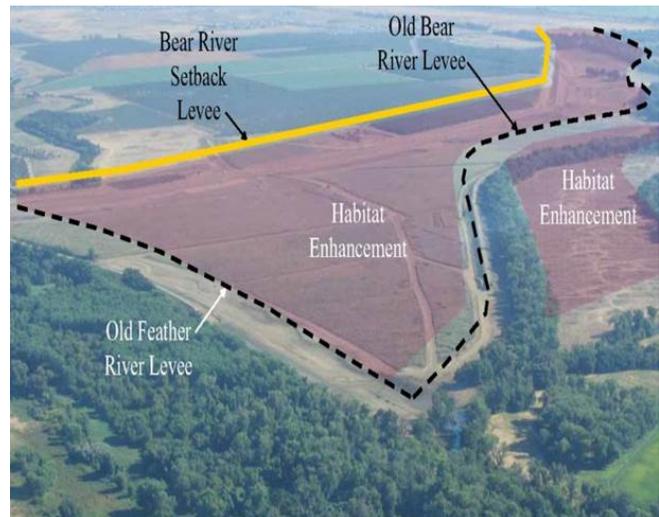


Central Valley Flood Protection Plan: Programmatic Permitting

The California Department of Water Resources (DWR) will be evaluating and implementing a variety of flood management and conservation actions as part of the 2017 Central Valley Flood Protection Plan (CVFPP) process. To support implementation of these actions, DWR is developing a regional programmatic approach to permitting as a more efficient alternative to the traditional “project-by-project” approach.

Traditional project-by-project permitting has several shortcomings for project proponents, regulators, and conservation interests. These shortcomings can include time-consuming negotiations to identify suitable off-site mitigation areas as compensation for projects that result in habitat loss, project delays, establishing small isolated mitigation areas that are difficult and relatively costly to manage, and temporal losses in habitat functions while habitat is being restored at mitigation areas.



Example of a multi-benefit project: Bear River Setback Levee

Programmatic permitting will incorporate specific design requirements and conservation measures for projects up front. Because the project design, construction methods, and associated conservation measures will already be agreed upon, project proponents can move forward with their important work with minimal delays.

Multiple Benefits of Programmatic Permitting

Programmatic permitting mechanisms represent an important part of improving and integrating flood management and ecosystem conservation in the Central Valley. Some of their benefits are included in the table below.

Challenges of Project-by-Project Permitting	Benefits of Programmatic Permitting
Project delays	Reduces time required for agency coordination and projects review. Permitting multiple projects together (programmatic permitting) results in improved overall efficiency.
Costly permitting process	Can help reduce costs for project proponents by serving as a “one stop shop” for securing permits.
Small isolated mitigation areas that are difficult and relatively costly to manage	Allows for comprehensive conservation planning that contributes to the recovery of species and provides greater system-wide conservation benefits.
Temporal losses in habitat functions while habitat is being restored at mitigation areas	



Potential Permitting Mechanisms

A number of regulatory mechanisms are being considered to provide programmatic authorizations for flood management activities associated with the CVFPP, examples include:

- **Habitat Conservation Plans (HCPs)** are planning documents prepared by nonfederal parties as part of an application for an incidental take permit to comply with the federal endangered species act. An HCP assesses the impacts of a proposed action on species (which may include federally listed and state-listed species and candidate species), proposes measures to monitor, minimize, and mitigate these impacts, and analyzes action alternatives. DWR will be developing HCPs as part of the CVFPP programmatic permitting process.
- **Natural Community Conservation Plans (NCCPs)** are administered by California Department of Fish and Wildlife to comply with the California endangered species act to conserve natural communities at the ecosystem level while accommodating compatible land use. NCCPs are sometimes developed in conjunction with federal HCPs.
- **Clean Water Act Section 404 and Section 10 of the Rivers and Harbors Act of 1899** could be used by the US Army Corps of Engineers to provide programmatic authorizations for flood management activities. Section 404 regulates the discharge of dredged or fill material into waters of the US and Section 10 prohibits obstruction or alteration of navigable waters of the US without prior USACE authorization.
- **Lake and Streambed Alteration Agreement (Section 1600 of the California Fish and Game Code)** requires notification to the California Department of Fish and Wildlife before conducting activities that will substantially obstruct or divert the natural flow of State waters; substantially change or use materials from a bed, bank, or channel; or deposit materials into a river, stream, or lake.



Bank swallows (*Dave Boegner, DWR*)

Contact Information

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