



DRAFT Summary
Management Actions Workshop
Permitting

July 22, 2010, 1:30 p.m. – 5 p.m.
Center for Collaborative Policy
815 S Street, First Floor, Sacramento, CA 95811

Participants: 39

Name	Organization
Jennifer Hobbs	US Fish and Wildlife Service (USFWS)
Lewis Bair	Reclamation District (RD) 108
Daniel Burmester	Department of Fish and Game (DFG)
Jim Lopes	Department of Water Resources (DWR)
Jim Sandner	US Army Corps of Engineers (USACE)
Nancy Haley	USACE
Michael Jewell	USACE
<i>Bill Darcie</i>	<i>KSN Inc.</i>
<i>Marti Kie</i>	<i>DWR</i>
<i>John Swagerty</i>	<i>River Partners</i>
<i>John Green</i>	<i>Stockton East Water District</i>
<i>Andy Popper</i>	<i>Glenn County Planning Division</i>
<i>Connie Ford</i>	<i>Sacramento County Water Resources</i>
<i>Lori Calmurro-Chew</i>	<i>DWR</i>
<i>Keith Seligman</i>	<i>Kings River Conservation District</i>
<i>Dan Radulescu</i>	<i>Central Valley Regional Water Quality Control Board (CVRWQCB)</i>
<i>Sam Sharideh</i>	<i>San Joaquin County</i>
<i>Hoa Ly</i>	<i>DWR</i>
<i>Ronald Stork</i>	<i>Friends of the River</i>
<i>Natasha Nelson</i>	<i>DWR</i>
<i>Anna Hegedus</i>	<i>DWR</i>
<i>Dave Carlson</i>	<i>DWR</i>
<i>Ken Cumming</i>	<i>National Marine Fisheries Service (NMFS)</i>
<i>Andrea Clark</i>	<i>Downey Brand</i>
<i>Randy Olson</i>	<i>USACE</i>
<i>Fran Borcalli</i>	<i>FloodSAFE Yolo</i>
<i>Carol Hall</i>	<i>Kleinfelder</i>
<i>Elizabeth Hubert</i>	<i>DWR*</i>
<i>Aric Lester</i>	<i>DWR*</i>
<i>Kelly Briggs</i>	<i>DWR*</i>
<i>Michele Ng</i>	<i>DWR*</i>
<i>Sam Magill</i>	<i>Center for Collaborative Policy (CCP)*</i>
<i>Meredith Parkin</i>	<i>Montgomery Watson Harza (MWH)*</i>
<i>Dorian Fougères</i>	<i>CCP*</i>
<i>Scott Woodland</i>	<i>DWR*</i>
<i>Crystal Spurr</i>	<i>DWR*</i>
<i>Debora Condon</i>	<i>DWR*</i>
<i>Jefferey Schuette</i>	<i>DWR*</i>

*- Workshop staff

Italic = Attended via webinar

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This summary only includes comments made during the workshop. Written comments submitted after the workshop will be available at <http://www.water.ca.gov/cvfpmp>.

General Comments on all Draft Initial Management Actions (MAs)

- A careful definition of “streamlined permitting process” should be developed. “Streamline” may mean different things to different people (i.e., faster process, shorter process, fewer permits, or a single point of contact for all permits could all be considered “streamlined permitting.”)
- There are many different types of permits. The MAs should specify that besides environmental permits, there are also USACE permits, Central Valley Flood Protection Board (CVFPB) and a wide range of others.
- Meeting participants suggested that a program similar to the Small Erosion Repair Program (SERP) should be expanded to cover similar levee repair projects. Additionally, participants believe that something like SERP should be significantly expanded to increase overall inter-agency coordination on a variety of flood risk reduction projects.

Comments and Questions on Draft Initial MAs

MA-054: Develop regional and river-corridor conservation plans, or expand existing regional conservation plans (such as regional Habitat Conservation Plans and Natural Community Conservation Plans) to provide a more efficient and effective regulatory approval process for flood projects.

- Clarify the description regarding expansion of existing regional conservation plans. As written, it isn't clear whether this is the same thing as *coordinating* with other conservation plans in the area.
- Include clarifying language in the description to differentiate this MA from MA 56.
- The primary goal of this MA is get away from piecemeal conservation projects on focus on higher value habitat- this should be clearly stated in the description. In many cases, public lands can be incorporated into habitat conservation plans (HCPs) covering larger areas.
- An additional advantage of this MA is the possibility for direct mitigation of larger projects to create higher ecological values at lower “per unit” costs.
- A disadvantage of the MA is that HCPs are difficult to complete.
- One advantage of the HCP route are the “no surprises” clauses often included in most HCPs.
- A collateral effect of HCPs is their ability to streamline permitting processes for future projects covered by that HCP.
- A disadvantage of conservation plans held by public agencies is that they tend to take land out of production, in effect lower the local tax base.
- An advantage is that improved/restored lands under and HCP can become available for public recreation.
- An economic issue that needs to be considered is the long-term administrative and maintenance cost of conservation plan implementation.
- Funding sources for conservation plans tend to be project-driven. Advanced mitigation is difficult to fund unless a clear path to funding exists.
- An environmental consideration that should be included is the potential to strategically direct mitigation to areas for infill of the “ecosystem restoration patchwork” that exists in some areas. It could also reduce the negative “edge effect” of restoration projects on adjacent properties (i.e., habitat restoration sometimes impacts land uses on adjacent parcels and often requires “buffer zones” that may remove some lands from agricultural production).
- Under technical considerations, any habitat conservation project will have some hydraulic impacts if it is built within the flood zone. The technical considerations section should be revised to reflect this.

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MA-055: Develop regional advance mitigation strategies and networks of mitigation banks to meet the needs of flood and other public infrastructure projects.

- The problem section of the description should note that a major obstacle in this MA is generating funding sources early on instead of when a project begins requiring mitigation.
- The title should be revised to include public and private mitigation projects generally.
- Similar to MA 54, conservation projects should be combined to create high ecological values at low per-unit costs.
- One potential disadvantage of this MA is that it could lead to people causing more environmental problems during a particular project in the hope of mitigating impacts off site. Proximity to project impacts is very important for environmental mitigation and should be a requirement of any HCP or other conservation plan.
- One issue for the environmental considerations section is that in order for this MA to function, you have to have a good idea of what your impacts are going to be before you know what your mitigation requirements will be. If you lack project-specific knowledge on this level, it could be difficult to do any type of advanced mitigation.
- Mitigation may be the wrong way to approach restoration generally.
- Similar to comments on MA 54, if restoration occurs within the flood zone, there may be redirected hydraulic impacts.
- Large scale mitigation may not meet the needs of all threatened and endangered (T&E) species in a particular area.

MA-056: Develop regional permitting approaches such as corridor management strategies (CMS).

- MA 56 has a much broader purview than HCPs or natural communities conservation plans (NCCPs). A corridor management plan (CMP) is one tool you can use to develop a “system-wide” approach to conservation and mitigation, while also meeting public safety needs.
- CMPs are typically confined to a specific area within the flood control system.
- The title of MA 56 should be revised to reflect the apparent focus on maintenance issues.
- In the methodology section of the description, it should mention that all O&M for mitigation must be designed as part of the project requiring mitigation. It’s important to ensure that O&M begins immediately so that permits don’t lapse or the local maintaining agencies are left designing O&M measures on their own.
- The MA needs to identify and recognize jurisdictional issues. A state plan like the CVFPP can’t change the regulations that the USFWS has.
- Projects affecting riverine/in stream habitat should be mitigated in the river. Terrestrial species and habitat can be moved off site, but projects built in the river should be mitigated in the same area.
- This MA should recognize that permitting is done in part as an impact avoidance measure. Avoidance of impacts should always be the ultimate goal for any project (as opposed to mitigating for them as impacts arise).
- The “ecosystem functions” and “promote multi-benefit projects) boxes in the description should be checked off.
- It is important to identify what type of maintenance will be required for a project so resources agencies can analyze maintenance impacts effectively.
- An additional advantage of this MA is the ability to dedicate lands that can be restored and set them aside now to reduce long term habitat maintenance requirements.
- In the economic considerations section, it should note that capital costs may not be as low as the evaluation form suggests. Land purchases tend to be a high cost item.
- Historical and cultural resources tend to be concentrated along streams. This should be considered in all discussions about CMPs, HCPs, and NCCPs as a social impact.
- The issue of redirected hydraulic impacts is particularly important here since most conservation work carried out as part of an CMP happen within the flood zone.
- The downstream impacts of mitigation projects should be considered. If a large-scale conservation plan is developed, it could be useful to get all affected stakeholders involved in the process early to identify these potential impacts. This will also provide a “regional” perspective on the conservation plan.

Suggestions for New MAs

- A variety of processes and permits should be considered for this MA category beyond environmental permits. These include (but are not limited to):
 - Streambed alteration agreements
 - CVFPB procedures regarding land use changes (especially in regards to encroachment permits)
 - USACE §408 permits.
 - Safe harbor agreements
 - USACE Engineering Technical Letter (ETL) levee vegetation standards for PL 84-99 funding
 - State Lands Commission permits
 - State Historical Preservation Office (SHPO) consultations
 - Memoranda of Understanding (MOUs) and Management Agreements
 - Others as appropriate
- Bring awareness and resolution to the issue of roughness when restoration activities take place within flood zones. A build up of debris as a result of habitat growth should be considered along with project construction itself.

Proposals for Streamlining Permitting/Interagency Coordination:

- Focus on success permitting examples. The Delta Long Term Management Strategy (LTMS) is a good example, as is the SERP.
- Streamline the HCP/NCCP processes themselves.
- Clarify the connection between local land use planning and state/federal planning.
- Determine how river reaches outside of the State Plan of Flood Control (SPFC) can be incorporated into CVFPB streamlined permitting MAs.
- Develop commitments for agencies in the form of MOUs to keep staff on a particular project/process until permits are issued. A major obstacle to streamlined permitting is the high rate of staff turnover between the start of a permitting process and the end.
- Develop a handbook identifying all required permits for a particular project, agencies involved, the applications needed, and key staff contact information.
- Develop MOUs to include the CVFPB at very early stages of any permitting project. Without CVFPB approval, projects affecting the flood system will not move forward. Integrate project plans with permits and develop BMPs/effective tools for management as part of this process.

Using SERP as a Model for Future MAs:

- SERP was identified as a model program for streamlining permitting processes. Developing programs similar to SERP in areas outside of the Sacramento River Flood Control Project could be beneficial for a wide variety of projects.
- SERP fits into the broader idea of an CMP and can be considered one of the various tools to support the plan. SERP is a proactive effort to provide regional programmatic permits that support the repair of erosion sites similar in size and with similar environmental concerns. SERPs focus is on public safety, self-mitigation strategies, and environmental avoidance efforts. It is a effort that brings all necessary permitting agencies together to integrate flood control maintenance needs with enhancement of the environment where feasible.
- Programs like SERP are a recognition of the fact that repairing erosion sites early, when the sites are relatively small, result in far fewer impacts to the environment , as opposed to waiting for major levee breaches or erosion damage.
- From the FWS perspective, SERP-like programs allow agencies to look at projects on a broad level and follow through with them from beginning to end.
- At present, SERP is in Phase I which is focused on DWR repairs; it is envisioned that the program could potentially be made available to local levee maintaining agencies (LMAs) in later phases. The work group does not currently include representation from any LMAs. Including locals in programs like this could significantly streamline the overall permitting process between the local, state, and federal levels. LMAs are welcome to participate, even in this first stage of program development.

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- It's important to note that SERP requires a lot of resources to coordinate between agencies effectively. Some local agencies may not have the same resources that DWR does for maintaining the program.