

Potential Strategies and Actions to Increase Efficiencies in Permitting Restoration

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#	PROPOSED ACTION ITEM	Themes			Tactical Approach(es)			Duration					Guidance			
		1	2	3	Under Existing Authority	Regulatory or Administrative Change	New Legislation/Statutory Change	3-6 mo	6-12 mo	1-1.5 yrs	1.5-2 yrs	2-2.5 yrs	beyond	Interdependencies/Critical Paths/Linkages	Key People to Engage?	Other Guidance?
1	Work with SWRCB to ensure new Habitat Restoration 401/WDR pathway is completed, meets the needs of practitioners, and that their companion CEQA effort results in a programmatic document that can be used by other project proponents.	401/WDR & CEQA	Aquatic Habitat Restoration	Programmatic Permits	In progress					X (reg / admin change)				Coordination with Army Corps	SusCon	Maybe consider pre-approved organization for conditions? Would benefit from general EO support. good progress to-date. New wetlands policy has a streamlined 401 process for ecological restoration and enhancement projects; too early to tell if it will be implemented. Programmatic doc is the next steps - can further streamline. New policy and 401 permit process CAN be implemented effectively under existing authority - will it? Prog doc will require reg or admin change.
2	Create unified permit application (ideally, on-line) for existing, and potentially any new, Small Habitat Restoration pathways including 401/WDR and HREA	401/WDR & F&G Code	Small Habitat Restoration	Permit Applications	Joint effort under existing authority (SWRCB and CDFW)-				X (existing authority)				3, 23, 28, 29			Broaden scope to all state purview/agencies. Yes! it is doable. EO to start and make it happen. How to prevent backsliding and not become like JARPA with limited value and ownership.
3	Eliminate or modify the 500 linear foot cap on existing SWRCB and DFW restoration compliance processes (Cat Ex 15333 original 5 acre limitation would still be in place)	401/WDR & F&G Code	Small Habitat Restoration	Modify Existing Regulations	Remove or expand 500 linear foot cap through current update and re-authorization process (SWRCB)		X (reg / admin change)	X	X				2, 23, 8, 10, 33	Phil Crader, Paul Hann	Where did 500 If come from? Modify to tiered system. Sink with grant programs. Ramifications outside of restoration projects? Restoration specific programs, separate to encourage large scale work. Well supported by the table and achievable! Specific to vision and species.	
4	Ensure planning efforts such as RCIS/TMDL/NCCP/Recovery Plans more effectively "cut green tape" by incentivizing implementation actions through regulatory efficiencies.	401/WDR & F&G Code	State Plans	Programmatic Permits	Existing NCCPs include coverage (and fee waiver) for restoration/stewardship activities	CDFW and SWRCB develop new pathways under RCIS, TMDL, and Recovery Plan to increase pace and scale of project that implement the goals of the plan		X (existing authority)		X (reg / admin change)	X (reg / admin change)					guidance/training for staff: translating tmdl into permit fees and different approach for bona fide restoration. Some of these programs don't currently fit this incentive models.
5	Create programmatic permits for restoration/ stewardship activities carried out by the state (including coverage for State-funded projects).	401/WDR & F&G Code (etc)	Restoration Actions by Regulatory/ State Agencies	Programmatic Permits	New Programmatic permits/authorizations developed to cover projects (CESA, 1600, 401/WDR, etc)	Possible need to give CDFW authority to do general permits in F&G code		X (EO)		X (reg / admin change)			1,11,12,14,19, 24,25,27, 33			
6	Eliminate redundancy between 401/WDR process and Construction General Permit NPDES process for restoration actions that require a 401/WDR.	401/WDR	Redundancy	Clarify Existing Regulations	Requires CalEPA/SWRCB directive - IN PROGRESS?			X (existing authority)								
7	Secure clear interpretations by CNRA and OPR on specific language in CEQA Cat Ex Class 33 that will result in the exemption being fully utilized by lead agencies and consultants (e.g. confusion regarding "significant impact to special status species and "primarily with hand-labor.")	CEQA	Small Habitat Restoration	Clarify Existing Regulations	PREFERENCE: Use Director's Bulletin or Secretary's Order to clarify language and intent in Cat Ex Class 33 to enable full utilization(CNRA). - AND/OR- Clarify intent through update/re-authorization of SWRCB Permit (SWRCB)	Modify language in Cat Ex through Administrative Process of annual guidelines Update (OPR)		X (existing authority)	X (admin change)	X (budget)		X	8	Suscon has tried to do and can help?		
8	Expand the 5-acre limit on CEQA Cat Ex Class 33 and associated pathways	CEQA	Small Habitat Restoration	Modify Existing Regulations	Use Director's Bulletin or Secretary's Order to clarify language and intent in Cat Ex Class 33 to enable full utilization(CNRA). - AND/OR- Clarify intent through update/re-authorization of SWRCB Permit (SWRCB)	Expand acreage of Small Habitat Restoration Exemption	Propose new or work with another currently proposed CEQA amendment	X (existing authority)	X (reg / admin change)	X (new leg/statutory change)		X	7		Needs off ramps and 1st need to do an analysis	

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9	CEQA statutory exemption for restoration and stewardship activities.	CEQA	All Habitat Restoration	Statutory Exemption			Propose new Statutory Exemption to Cover Restoration Projects (?)					X (new statute)			Love it but not likely, due to political feasibility and basically requires full CEQA reform. Needs more definition and side board. Maybe sample language from NRCS NEPA. Could avoid bottleneck of lead agency.
10	Amend language in Cat Ex Class 7 & 8 to exclude ecological restoration projects from definition of "construction"	CEQA	Restoration Actions by Regulatory/ State Agencies	Modify Existing Regulations		CEQA Guidelines changes re: Exemptions 7 & 8 for beneficial restoration to include habitat restoration actions (CNRA thru OPR request)	Modify language in Cat Ex 7 & 8 exclude ecological restoration projects from definition of construction	X (reg / admin change)	X (budget)	X (statutory change)			8,9, 11, 12		For 10, 11, 12 - GOOD APPROACH WITH TIMELINE. Concern about oversight from other agencies that might want oversight when projects are exempt. Who are state champions. Think and define vocab.
11	Programmatic CEQA coverage for restoration/ stewardship activities carried out by the state (including coverage for State-funded projects). [note potential overlap/redundancy with recommended action items for Cat Ex Class 7 and 8]	CEQA	Restoration Actions by Regulatory/ State Agencies	Programmatic Permits		New Programmatic document	Could be achieve through new statute or legislation			X (reg / admin change)		X (new legislation)	8,9,10,12		
12	Develop a Certified Regulatory Program(s) (similar process to a Timber Harvest Plan) to provide a CEQA equivalent document for landscape scale restoration and stewardship actions.	CEQA	Restoration Actions by Regulatory/ State Agencies	Programmatic Permits	Possible	Possible		X (EO)	X (existing authority)	X (reg / admin change)			10,11		Long-term performance measures for short term impacts (show net benefit).
13	Require State agencies acting as CEQA leads to follow CEQA timelines (concern is letting the process go to long).	CEQA	Restoration Actions by Regulatory/ State Agencies	Timelines	Yes, through directive				X (existing authority)						
14	Develop efficiencies for Coastal Commission, BCDC , and Delta Stewardship Council (i.e. could be linked to small habitat restoration and/or larger restoration efforts through Federal Consistency with new USFWS BO)	Coastal Act/ Coastal Zone Management Act	Regulatory Process	Programmatic Permits	PREFERENCE: Possible	Possible	Possible	X (EO)	X (existing authority)	X (reg / admin change)	X (new leg)		33,15, 17,31,32,35	Finance	Developing an inter agency review process for coastal zone projects. See AB1282 recommendations. Too broad, include specifics like creating a parallel process or waiver for projects that fall under Cat Ex 15333 AND evaluate Fed Consistency for upcoming USFWS BO. Increase coordination and include Commission. Evaluate PRC 30411 . Delta Stewardship Council is in the process of developing new procedures to
15	Develop federal consistency determination with the Coastal Act for the new USFWS Programmatic Biological Opinion for restoration	Coastal Act/ Coastal Zone Management	State and Federal	Programmatic Permits	Requires federal agencies to request Consistency				X (existing authority)						
16	Create an exemption in the Coastal Act to enable vegetation management for fuel load reduction	Coastal Act/ Coastal Zone Management Act	New Exemption		Collaborate with CalFire and CDFW		Requires amendment to Coastal Act, would be link to urgency re: wildfire				X (new leg)				Existing authority (Commission) and collaborate with CalFire. Not needed by consider as a model.
17	Executive Order to prioritize permit efficiencies ('directive from the top')	Executive Order	Habitat Restoration		Yes, critical to setting stage for CGT across agencies			X (EO)						Suscon	Add specifically to EO: direct agencies to prioritize implementation of restoration, develop and UTILIZE expedition permitting for restoration, and coordinate funding sources. Include \$ for agencies to implement actions (EO provide budget justifications). Encourage agencies to structure restoration in 1 unit so above can be coordinated (Process, \$, Partnering).
18	Ensure better utilization of existing permit streamlining tools such as Voluntary Local Program (VLP) and Safe Harbor (SH)	F&G Code	State and Federal	Programmatic Permits	These regs are already on the books and require a commitment to efficient development, utilization, etc (CNRA).	Deeper dive could be possible, depends on changes.		X (existing authority)				Feds -3yrs or more; State 2-3 years	19, 28, 29, 2, 17		investigate if VLP can be better used. SOCIAL CHANGE. Cal HR, LEAN6Sigma, VLP to remove exclusion for fish?

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19	Create CDFW Statewide Permit for Habitat Restoration Projects (CESA & 1600, companion to new 401/WDR for project that do not fit under HREA)	F&G Code	Aquatic (All?) Habitat Restoration	Programmatic Permits	Utilize existing pathway such as master permit, with Director approved fee reduction.	Develop new pathway similar to process of programmatic cannabis approvals	Create new program within F&G code 1600 & CESA, specifically for habitat restoration projects that are larger than HREA projects	X (existing authority)	X (reg / admin change)	X (statutory change)			1,20		Need a reduced fee structure to accompany the permit. Yes. Expands the scope! Need CDFW to participate.
20	Create funding source to enable reduced fee structure (ideally free) for F&G Code 1600 Agreements for Restoration Projects (HREA and non-HREA)	F&G Code	Fees	Funding					X (budget)						Add BCDC and CCC fees. Combine 19 and 20
21	Incorporate Fully Protected Species into CESA to reduce barriers to species recovery	F&G Code	Fully Protected Species			Possible?	Likely would require new legislation dissolving FP and incorporating into CESA OR get take provisions in FPS code and mitigate for take				X (new leg)			Environ need to see conservation benefit	Leg to authorize take of FP species for restoration (added as new action #39)
22	Indemnify private landowners for unforeseen impacts resulting from implementation of restoration or conservation actions (e.g. Oregon and Washington both have legislation)	F&G Code	Liability				In progress - AB2518 (statutory change through Fish and Game Code)				X (amended statute)				
23	Secure clear interpretations by CDFW on inclusion of coverage for fully protected species under HREA	F&G Code	Small Habitat Restoration	Clarify Existing Regulations	Director's Bulletin (CDFW)	Require rulemaking (?) to avoid underground regulation	X (existing authority)						2,3		
24	Create programmatic CESA compliance as companions to federal programmatic Biological Opinions (NOAA Restoration Center and USFWS) for restoration projects through use of 2081(a) for statewide or regional CDs or MOUs.	F&G Code	State and Federal	Programmatic Permits	CDFW to utilize consistency determination or MOU	Possible need to promulgate new regulations through F&G Code to create efficiency?		X (existing authority)	X (existing authority)	X (reg / admin change)			25		Need to get feds to "request" CD process. CDFW taking leap of faith by accepting fed BO. Need to address fully mitigated and financial assurances pieces of CESA and if they actually should apply to restoration projects?
25	Extend CDFW's programmatic permits for its Fisheries Restoration Grant Program to non-FRGP funded habitat restoration projects.	F&G Code	State and Federal	Programmatic Permits	Enable non-FRGP funded projects that meet the goals and criteria articulated in the programmatic permits for FRGP to be covered under those permits	Enable non-FRGP funded projects that meet the goals and criteria articulated in the programmatic permits for FRGP to be covered under those permits		X (existing authority)	X (admin change)				24		
26	Develop statewide approach to facilitate local/county restoration permitting (e.g increase levers/incentives to engage local government participation in SB 375)	Local Permits/Approvals	Habitat Restoration	Legislation			Create legislation to incentive/mandate local permitting agencies to create new pathways for restoration and stewardship work	X (EO)				X (new legislation)	5		
27	Create dedicated funding source for restoration focused agency staff (planning, permitting, funding)	Regulatory Process	Coordination	Funding		Administrative		X (EO)			X (budget)				Planning makes it challenging and broadens the amount agencies.
28	Develop a single unified permit application for all State agencies with regulatory authority over restoration/stewardship. Include clear direction/accountability that the mandate is to increase pace and scale of restoration/stewardship.	Regulatory Process	Coordination	Permit Applications	Accomplished through MOU between agencies and with a working group (based on JARPA concept)		May require new legislation?		X (existing authority)			XXX	2,29, 17		very challenging to get 1 hail mary
29	Make all permit applications and status information available online	Regulatory Process	Coordination	Permit Applications	requires funding and administrative will					X (existing authority)	X		2, 28		easy option, needs money.

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30	Elevate role and opportunity for trusted regional entities (RCDs, Conservancies, land trusts) to drive regional restoration collaboration, investments, compliance and function as permit ambassadors (expanded PIR concept)	Regulatory Process	Coordination & Culture	Regional/Local Agencies	Various mechanisms			X (EO)		X (existing authority)					Consider specific staff at agencies. Gap analysis or regions and RCD for investment and collaboration.	
31	Increase internal coordination between technical staff (environmental scientists, engineers), permit staff, and funding staff at intra- and inter-departmental levels to improve efficiency of project delivery. Include clear direction/accountability that the mandate is to increase pace and scale of restoration/stewardship.	Regulatory Process	Coordination & Culture	Strike-teams	Coordination among technical, compliance and funding staff (CNRA lead, multi-department)			X (EO)		X (existing authority)				32,33, 35	AB1282 TAC	Identify clear shared goals, expectations and accountability. Annual/biennial
32	Create inter-agency (state or state-federal/local) restoration implementation "strike teams" to facilitate efficient and expedited inter-agency communication, review, feedback, and approval (e.g. IWRP, [Integrated Watershed Restoration Program of Central Coast], BRIT, Corps Inter Agency Mtgs, etc). Include clear direction/accountability that the mandate is to increase pace and scale of restoration/stewardship.	Regulatory Process	Coordination & Culture	Strike-teams	Regional/statewide interagency collaborative compliance teams (CNRA lead, multi-department) + MOU			X (EO)		X (existing authority)				31,33, 35		federal agency coordination/cooperation. MOUs?, Need to tie in Federal Compliance. STEP 1, determine lead --> Resources Agency
33	Evaluate potential for creating a separate "track" or process for permitting restoration conservation work across state agencies	Regulatory Process	Coordination & Culture	Strike-teams		Possible	Possible, depending on need to codify and clarify roles and responsibilities		X (reg / admin change)	X (new leg)				31,32, 35, 38	Suscon has model language.	Thinking across the state. Permit, funding, process for restoration on sep track -- creates more partnerships and incentives. Consider inclusion of mitigation (off-side)
34	Require new permitting staff to apply for all local, state, and federal permits for at least one restoration project.	Regulatory Process	Culture		Yes			X (existing authority)								
35	Develop clear guidance from the State on regulatory agency jurisdiction for habitat restoration activities with clear direction on addressing overlapping jurisdiction (geographic and content) and a process to reduce redundancy and designate 1 lead agency	Regulatory Process	Overlapping Jurisdictions	Strike-teams		Develop working group to define issue and provide an administrative remedy (CNRA w/CalEPA)	New statute with process and guidance designating a primary lead agency for restoration projects		X (admin change)			X (new legislation)	33, 14			(regulatory or statutory?) change required for enabling. Consider inclusion of mitigation (off-side)
36	Ensure that new environmental and administrative pathways or policies are reviewed to avoid intentional or unintentional regulatory action that will create new barriers.	Regulatory Process	Coordination & Culture	Unintended Consequences	Potential increase coordination early in leg process											would reduce silos that are "required" with other agencies.
37	Create new efficiencies in Water Rights Permits to expedite implementation of projects that result in increased ecological stream flows and groundwater recharge	Water Rights	Regulatory Process	Programmatic Permits	Guidance for SWRCB staff that they have discretion to create metrics for these types of projects	Possible		X (EO)	X (admin change)	X (regulatory change)						Needs staff and IT for making institutional change to streamline; which allocation coming from?; duration great than 2+ years.
38	Reduce redundancy/green tape by utilizing CEQA compliance as a permit equivalent process for other state environmental regulations (e.g. CEQA documents contain all or most elements/requirements of individual permits and state agencies review these docs as responsible agencies, why require permits in addition?)	CEQA	Overlapping Jurisdictions	Redundancy		Increased emphasis of role of responsible agency	Might require new legislation or statute change in F&G Code, Coastal Act, Water Code, etc. to increase utilization of CEQA as permit equivalent document.	X (EO)	X (admin change)	X (new leg)			33			Early coordination on development of CEQA review to come to agreement/MOU. Build a permit process that relies on a good CEQA review, good CEQA doc -> should be easy to get permit.
39	Legislation to authorize take of Fully Protected Species for restoration projects.	F&G Code	Fully Protected Species				Likely would require modification to existing FP statute							21		

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40	Directory of programmatic permits and docs all posted in one place.	Programmatic Permits	Outreach		Yes										List of all restoration specific programmaticas on Sustainable Conservations website. https://suscon.org/wp-content/uploads/2019/07/Sustainable-Conservation-Expedited-Permitting-Summary-Table-7-17-19.pdf
41	Allow state grant funded projects to utilize those funds as meeting "financial assurances" for CESA take.	F&G Code	CESA	Costs	Possible, if through use of MOUs/2081 (a)	?								24	Currently in-process with Redwoods Rising. F&G Code 2081(a) Through permits or memorandums of understanding, the department may authorize individuals, public agencies, universities, zoological gardens, and scientific or educational institutions, to import, export, take, or possess any endangered species, threatened species, or candidate species for
42	Implement PRC 30411, which directs the Coastal Commission to... "not establish or impose any controls with respect thereto [wildlife and habitats under the jurisdiction of CDFW] that duplicate or exceed regulatory controls established by these agencies"	Coastal Act/Coastal Zone Management Act			Yes									14,15,16	Public Resources Code 30411: The Department of Fish and Wildlife and the Fish and Game Commission are the principal state agencies responsible for the establishment and control of wildlife and fishery management programs and the commission shall not establish or impose any controls with respect thereto that duplicate or exceed regulatory controls established by these agencies pursuant to specific statutory requirements or authorization
43	Modify the SWRCB's 401/WDR for Small Habitat Restoration Projects and CDFW's HREA to enable use by off-site mitigation projects.	401/WDR & F&G Code	Small Habitat Restoration	Mitigation	Possible	Possible, during update of 401/WDR in 2020								2, 3, 23, 28, 29	