

**Restoration Permit Coordination Meeting  
May 23, 2000**

The purpose of the meeting was 1) to identify short-term permit coordination issues and solutions related to fisheries restoration projects which need to be implemented this summer (Department of Fish and Game 271 projects and Salmon 2000 projects); 2) to begin to identify long-term permit coordination opportunities for restoration projects.

**County Concerns:**

- Northern County projects don't have Corps permits yet. Staff have been very helpful but they are spread very thin. Some of the applications have been submitted and some have not. The counties need continued technical assistance from the Corps and NMFS in filling out 404 applications which are quite complex.
- Lamprecht will be out for next 2 weeks.
- FishNet4C rep expressed general confusion counties have about how applications will be routed and what the options are for coordinated/streamlined permitting.
- Concerns about availability of regional general permit (biological opinion needed), and need for agreement on implementation of new guidelines.
- The counties have developed a video of all the culvert projects which they would like to share with all the permitting agencies in the hope it will expedite permit review. Everyone agreed that this could be an important tool and thanked the counties for doing this work. The videos were distributed at the meeting
- In addition to county concerns, The Resources Agency distributed a letter from the Salmonid Restoration Federation which provided specific examples of where coordination has not occurred.

**Update on Status of Permits**

***404 Permits.***

The group identified four possible avenues for attaining a 404 permit for these projects. The first three represent coordinated approaches. There are pros and cons to each approach, and none of them represent a complete coordinated mechanism. There was general agreement that #1 below is the best vehicle for coordinated permitting this summer for most, but not all projects ***provided that NMFS and FWS can complete their biological opinions within the next two weeks.***

**#1 Regional General Permit 1, SF District (released 3/22/00):**

- The geographic scope is the district which covers San Luis Obispo County to Oregon border and over to Modoc, Siskiyou and Trinity.
- Covers repair and renovation of existing crossings.
- USFWS review in progress; expected end dates not known
- NMFS biological opinion expected by end of next week (Arcata has lead)
- 401 certified by SWRCB is covered through this approach (waived)

Pros: Covers 404, ESA, and 401 within geographic area.

Limitations: Does not cover 1600/CEQA; Does not cover steelhead projects south of San Luis Obispo

***Actions:***

*Corps requested drafts of the opinions from NMFS and USFW*

*FWS will check on timeline for completing review*

*DFG will write letter to Wade Eakel (LA Division) requesting that RGP1 be updated to include LA, Sacramento and SF Districts. (for longer term changes; want to use RGP1 now).*

## #2 Nationwide permit #27 for streambed alterations:

There was not a lot of discussion of this path, though everyone acknowledged it may be a good path for projects that don't fit in #1 or #3, if eligible.

## #3 Regional General Permit with DFG:

- Covers stream enhancement projects using restoration manual (green book) where DFG is lead. This permit is in place now, but has not been updated for several years.
- Projects were covered for NMFS biological opinion, but changes in critical habitat will now require that DFG update manual to secure NMFS approval. However, for applicants who use new NMFS guidelines, there shouldn't be a need for NMFS consultation.
- Green book is probably not certified by SWRCB under 401.

Pros: In long-term, having all restoration permit coordination tiered to DFG's Greenbook would be ideal. The Book could be periodically updated for new methods, and adjoining permits updated in a predictable, coordinated way. It also could cover projects statewide, rather than creating a different approach for each region.

Cons: Longer-term approach; will take additional work from all agencies.

### *Actions:*

- SWRCB will check on certification of DFG manual.
- DFG will finish review of NMFS guidelines and determine whether manual needs to be revised.

## #4 Individual permits 404 – for non DFG lead, projects that don't fall within other categories.

### **1600 Permits/CEQA**

DFG provided overview of how 1600 permits are handled now, and offered to work with SWRCB and Corps to draft some longer term options for further coordination.

### *Actions:*

*DFG will begin discussions with SWRCB and Corps, and draft white paper for larger group to review.*

*DFG will "bird-dog" this summer's projects to make sure all contractors have initiated the permit process, and it is being followed in a timely way.*

### **Water Board 401 Certification**

- The Water Board must certify for any water quality and sediment discharge into creeks, for any federal permit. Where you need a 404 Corps permit, you'll need a 401 certification from the Regional Board.
- Water Board is notified of potential projects by lead agency through CEQA process so long as no categorical exemptions are used.

### **Additional Issues**

#### Project Routing is confusing/unclear

- There were several observations that the routing of 404 and 1600 applications is confusing the applicants, general public (and to the agencies!)
- We need clear directions and public outreach materials about what permits are needed, where to go.

- Upon receiving application for 404, Corps field staff is responsible for routing or telling applicant what they need. The Corps staff should be familiar with all avenues for coordination listed above and should steer the application down the best/most coordinated path that the project is eligible for.
- Agencies discussed parallel but connected application processes for 404 and 1600 (see chart). DFG expressed concerns about how project changes intended for mitigation cause problems with sequential review, or unconnected parallel review (DFG suggests a mitigation, Corps later unknowingly undoes that mitigation or suggests a counter-mitigation).
- DFG will direct restoration project applicants to water boards for permits. Water Board is notified of potential projects by lead agency through CEQA process so long as no categorical exemptions are used.

Lack of Contract dollars to complete design specifications in order to get permits

- Also problems with coordinating contract awards with project review; ie contracts did not furnish money in time to do level of engineering design needed for securing Corps permits. These gaps have been filled this year with 319 and NMFS grants; but a longer term solution is needed.

**Additional Opportunities:**

Joint Field Reviews/Projects Review Teams would help

- Arranging joint field reviews is one of best approaches to resolve the above potential problems. This has been done through the Bay Area JARPA process and has been initiated by the 5 Northern Counties. Fishnet4C is willing to arrange joint field review for their projects as a means of expediting the review.
- The Video approach is a similar tool. Agencies should provide feedback as to how useful this is.

JARPA Model might be useful

JARPA: for joint aquatic restoration permits. Pilot in San Mateo to develop joint application process. Interagency trainings are critical part of this effort.

Need for Training and Outreach materials

There was general discussion about the need for interagency trainings on permitting and public trainings, and the development of more fact sheets and public information materials.

**Closing/Next Steps:**

*Actions:*

- *Fishnet 4C will host joint field reviews for their projects*
- *EPA will look into option of develop some public information materials to clarify existing processes*
- *The group will communicate through email over the next few weeks to determine when/if another meeting of this group is needed*
- *We will consider whether an identified project review team with clear accountability for expediting these projects this summer is needed (there were mixed opinions in the room)*
- *We will consider whether an on-going policy level team on permit coordination is needed to address longer term issues/opportunities (there were mixed opinions in the room).*