

SAN FRANCISCO BAY COORDINATED PERMITTING APPROACH STRAWMAN PROPOSAL 1/9/18

PURPOSE: To improve the permitting process for multi-benefit wetland restoration projects and associated flood management and public access infrastructure in San Francisco Bay by dedicating agency representatives to review project information and prepared permit applications for consideration as a team in the most efficient manner.

BACKGROUND: Creating two joint inter-agency restoration teams- “Project Analysis and Permitting Team” and “Policy and Management Team”- has been conceptually agreed upon during meetings hosted by Resources Legacy Fund/Dudek (March 24, October 24) and in personal communications between Rick Bottoms, US Army Corps Regulatory Chief, and representatives from the following agencies: National Marine Fisheries Service (NOAA Fisheries), US Fish and Wildlife Service, Bay Conservation and Development Commission, San Francisco Regional Water Quality Control Board, CA Department of Fish and Wildlife, and the US Environmental Protection Agency.

WHAT: Collaboration within the multi-agency teams to ensure timely action and compliance with the following federal and state permitting authorities, including but not limited to: Clean Water Act (CWA) §404, CWA §401 Water Quality Certification, McAteer-Petris Act, Endangered Species Act & Essential Fish Habitat, California Endangered Species Act, California Water Code, CDFW 1600, San Francisco Bay Basin Plan, Suisun Marsh Preservation Act, Rivers and Harbors Act, Coastal Zone Management Act, California fully protected species.

WHERE: Multi-benefit wetland restoration projects in the San Francisco Bay and along the bay shoreline of the nine Bay Area counties, excluding the Delta Primary Zone.

WHY: The San Francisco Bay has an established tidal marsh restoration goal of 100,000 acres as well as goals for other wetland types (Baylands Goals Report, 1999 and 2015). The availability of \$500 million over the next 20 years for wetlands restoration and multi-benefit projects through the passage of Measure AA, and other funding sources, will require timely results and effectiveness of the restoration investments.

WHO:

- 1) “Project Analysis and Permitting Team”: To consist of up to 1.25-1.5 FTE USACE, 1 FTE NOAA Fisheries, 1 FTE USFWS, 1 FTE BCDC, 1 FTE CDFW, 1 FTE RWQCB. (Inclusion of 1 FTE from EPA is possible on an ad hoc basis.)
- 2) “Policy and Management Team”: To consist of representatives from EPA, USACE, NOAA Fisheries, USFWS, BCDC, RWQCB, State Water Board, CDFW, and may include other entities as needed or suggested.

FUNDING: The estimated cost for the Project Analysis and Permitting Team is ~\$1.26m-\$1.47m (1-1.5 FTE @\$210,000/year for 6 agencies: Water Board staff costs estimated at \$236,000/year) to be paid for by Measure AA and/or the Coastal Conservancy. Other participating agencies could provide in-kind matching funds, including but not limited to USACE office space and equipment, and Policy and Management Team participation. The ability to utilize funding for staff may be subject to hiring constraints applicable to individual participating agencies.

HOW:

Project Analysis and Permitting Team

- The USACE San Francisco District will provide office space for the dedicated project analysis and permitting staff from each agency. To facilitate regular coordination, agencies are encouraged to have their dedicated staff co-located at USACE for a minimum of the same 2-3 days/week. USACE would oversee the team staff.
- Staff would coordinate review of project information to process and issue permits and other decision documents in a timely fashion. Staff will meet frequently with and without applicants to review project progress, resulting in a collaborative, integrative review and approval/disapproval process.
- Pre-application meeting once a month (as necessary). (cross-reference with Dudek proposal)
- Site visits and tours as necessary to understand the proposed project, to be organized the permit applicant and attended by the agency staff, ideally as a group.
- Agency staff would provide public outreach including quarterly information sessions on topics relevant to the application process, brownbags, etc..
- Staff will align project with the regional monitoring program concurrently being developed, and coordinated with Measure AA and the participating agency mandates.
- Data entry and measures of success tracking as determined by each agency and the interagency process
- Individual staff will be delegated varying levels of permitting authority by their respective agencies, and will inform project applicants of their agencies' permitting processes and decision-making levels as early as possible in the pre-application process.
- Staff will identify issues that require intra-agency and inter-agency policy discussions whose purposes will be to make more clear application requirements and lead to expedited decisions.
- Staff may upgrade permit decisions to the Policy and Management Team under agreed-upon procedures.

Policy and Management Team:

- Review permitting issues raised by the Permitting Team that may require policy shifts or upper management direction. To the extent possible, directly address issues and as necessary prepare any issues for further action by other decision-makers.
- Review and provide direction for project decisions that are elevated from the Analysis and Permitting Team
- Management and execution of inter-agency agreements and monthly to quarterly billing for Permitting Team staff.

PERFORMANCE MEASURES: Baseline information to measure success is necessary for quantitative and/or qualitative analysis. Useful performance measures will be established as part of the management system to measure success improving the permitting process over time.