

# 2021 ANNUAL REPORT

Report dated: May 19, 2021

Bay Restoration  
Regulatory Integration  
Team (BRRIT)  
Performance to Date

## Introduction

This annual report reviews the activities and performance of the Bay Restoration Regulatory Integration Team (BRRIT) through April 2021, and incorporates relevant information from the initial performance memo provided to the San Francisco Bay Restoration Authority (SFBRA) Governing Board in May 2020 (May 2020 Memo).

The BRRIT mandate is to increase permitting efficiency for multi-benefit habitat restoration projects and associated flood management and public access infrastructure in San Francisco Bay. The BRRIT consists of representatives from the U.S. Army Corps of Engineers (USACE); U.S. Fish and Wildlife Service (USFWS); NOAA's National Marine Fisheries Service (NOAA Fisheries); San Francisco Bay Regional Water Quality Control Board (Water Board); California Department of Fish and Wildlife (CDFW); and San Francisco Bay Conservation and Development Commission (BCDC). The U.S. Environmental Protection Agency (EPA) participates on the BRRIT on an *ad hoc* basis. All seven agencies have agency managers on the Policy and Management Committee (PMC), which works closely with the BRRIT to collaboratively identify and resolve policy issues and conflicts.

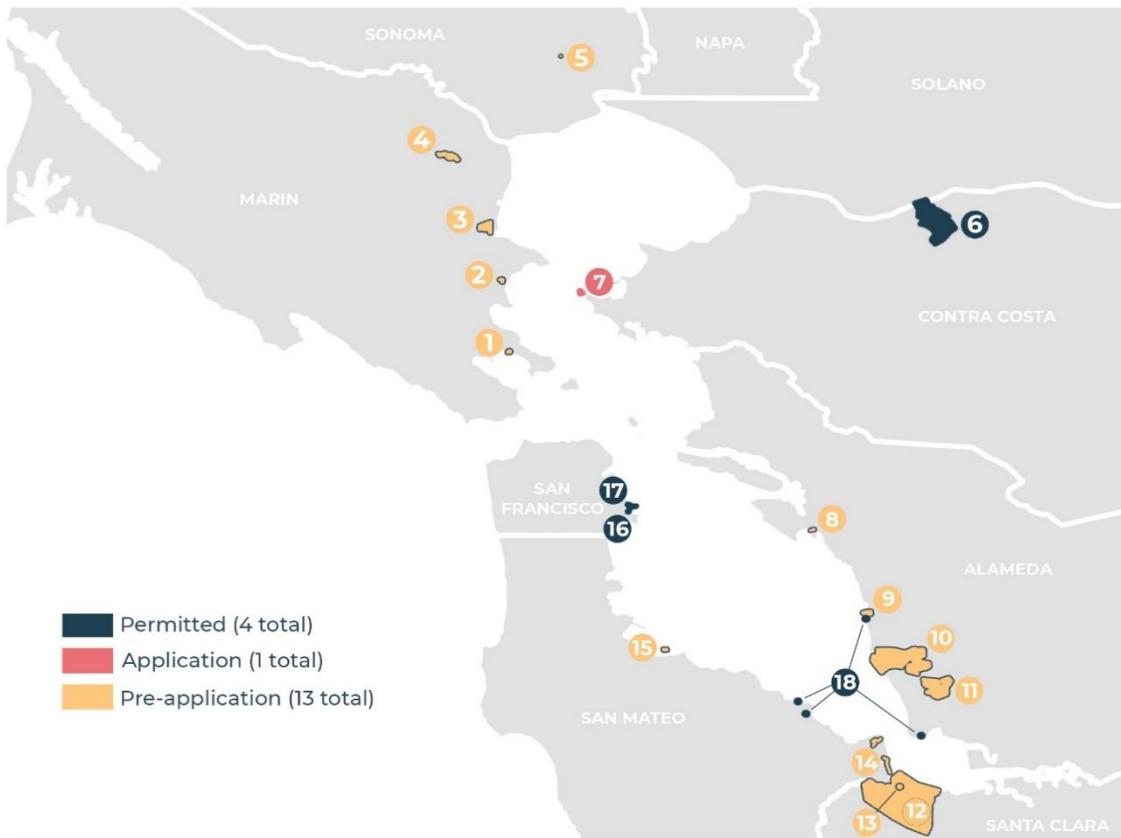
## BRRIT and PMC Progress Overview

**Projects:** The BRRIT is making progress improving the permitting process for multi-benefit habitat restoration projects in San Francisco Bay by increasing interagency coordination and working collaboratively with the restoration community. Figure 1 below shows multi-benefit projects that are either engaged in the pre-application process, undergoing permit application review, or were permitted by the BRRIT participating agencies since inception. From May 2020 to April 2021, the BRRIT facilitated permitting of three projects (Invasive *Spartina* Project - High Tide Refuge Islands; Lower Walnut Creek Restoration Project; and Heron's Head Park Shoreline Resilience Project) and is working to finalize permits for the Terminal Four Wharf, Warehouse, and Pilings Removal Project. The BRRIT is also actively engaged in pre-application collaboration with 12 projects located in Alameda, Marin, Santa Clara, and San Mateo Counties. Due to the challenges of COVID-19 shelter-in-place orders over the last year, the BRRIT has held pre-application meetings via Web-Ex, and has limited field site visits to wetland delineations for much of the year.

**Performance:** The BRRIT has been tracking pre-application and permitting milestones and timelines. This report provides an initial quantitative assessment of the BRRIT's performance on those metrics since inception. This report also provides a summary of the BRRIT's priority projects, applying lessons learned, past and future challenges, operations and outreach, and collaborative development.

**Outreach:** The BRRIT also focused on outreach to the restoration community by participating in SFBRA's outreach presentations; redesigning the [BRRIT website](#) to include information on the BRRIT process and to provide resources and tools; and developing surveys to solicit feedback on the BRRIT's pre-application process and suggestions regarding how it can be improved to better serve the restoration community.

**Policy/Process:** The PMC has continued to support and collaborate with the BRRIT on a project-specific basis as well as on overarching policy, administrative, and process issues. This report provides an overview of the PMC's work this last year, including work on the Permit and Policy Improvement List, protocols for issue resolution and elevation process, and their outreach efforts.



**HABITAT RESTORATION, PROTECTION, OR ENHANCEMENT PROGRAMS AND PRIORITIES**

Project	Safe, Clean Water and Pollution Prevention	Vital Fish, Bird, and Wildlife Habitat	Integrated Flood Protection	Shoreline Public Access
1 Greenwood Gravel Beach Design Project		●	●	●
2 Tiscornia Marsh Restoration and Sea Level Rise Adaptation Project*	●	●	●	●
3 McInnis Marsh Habitat Restoration	●	●	●	●
4 Novato Deer Island Tidal Wetlands Restoration*		●	●	●
5 Sonoma Creek Baylands Strategy*		●	●	●
6 Lower Walnut Creek Restoration Project*		●	●	●
7 Terminal 4 Wharf, Warehouse, and Pilings Removal Project	●	●	●	●
8 San Leandro Treatment Wetland Project*	●	●	●	●
9 Restore Hayward Marsh Project*		●	●	●
10 South Bay Salt Pond Phase 2 at Eden Landing*		●	●	●
11 Coyote Hills Regional Park - Restoration and Public Access Project*	●	●		●
12 South San Francisco Bay Shoreline Project: Phase II		●	●	●
13 Palo Alto Horizontal Levee Pilot Project	●	●	●	●
14 SAFER (Strategy to Advance Flood Protection, Ecosystems and Recreation)		●	●	●
15 Shoreline Park - Burlingame	●	●		●
16 900 Innes Remediation Project*	●	●		●
17 Heron's Head Park Shoreline Resilience Project*		●		●
18 Invasive Spartina Project - High Tide Refuge Islands*		●		

\*Measure AA funded project - programs and priorities data derived from SFBRA Staff Recommendations. All other project programs and priorities are based upon information submitted to the BRRIT at the time of this report, but may change based upon SFBRA Staff review.

**Figure 1. BRRIT projects in review. Locations, permitting status, and SFBRA program/priorities that the multi-benefit BRRIT projects will achieve.**

## BRRIT Projects

SFBRA staff review prospective projects approximately every six months to determine whether they are eligible for BRRIT review, based on the criteria for SFBRA funding described in Measure AA. SFBRA staff provided the BRRIT with a list of projects and has continued to update the list (available [online](#)). Thus far, the BRRIT has worked on 18 projects and facilitated permitting of four projects within project proponents' desired timelines (Figure 2). The majority of BRRIT projects have been authorized by the SFBRA Governing Board (11 projects, Figure 1) or will be recommended by SFBRA staff for funding in the near future (4 projects).

Projects on the list are divided into three categories:

**Category 1: Permit Application Review.** Terminal Four Wharf, Warehouse, and Pilings Removal Project is currently the one project seeking permits from the BRRIT participating agencies.

**Category 2: Pre-Application Process.** The BRRIT is actively engaged in the pre-application process with 12 projects. The pre-application process includes site visits, meetings, and providing guidance and recommendations that will expedite permitting. The BRRIT works to identify and resolve potential interagency conflicts and permitting challenges during this pre-application process.

**Category 3: Other.** One project, Sonoma Creek Baylands Strategy, has been in contact with the BRRIT, but is not yet ready to engage in the pre-application process. The BRRIT is also continuing to coordinate with projects after permit issuance. The BRRIT continues to review post-permitting submittals from the 900 Innes Remediation Project, Heron's Head Park Shoreline Resilience Project, and Lower Walnut Creek Restoration Project.



**Figure 2. A brief summary of the BRRIT's achievements to date.**

Figure 3 shows all BRRIT projects since August 2019, schedules for pre-application coordination and permit application review, and proposed project milestones (e.g., permit application submittal and permit issuance). The BRRIT anticipates four projects will be submitting permit applications in 2021 with project proponents requesting permit issuance by 2022. An additional four projects will be submitting permit applications in 2022 with two of those projects requesting permits in 2022 and two requesting permits in 2023. Finally, two projects are anticipated to submit permit applications in 2023. This projected schedule does not include two projects: Sonoma Creek Baylands Strategy, which has not yet engaged in the pre-application process, and Greenwood Gravel Beach Design Project, which has just begun the pre-application process and has not yet provided an estimated schedule.

Four permitted projects have either begun or are scheduled to begin construction in 2021, four projects are projected to start construction in 2022, and five more projects are projected to start construction in 2023. The BRRIT does not yet have information on the anticipated construction start date for six projects.

# Project

Permitted	900 Innes Remediation Project
	Invasive <i>Spartina</i> Project - High Tide Refuge Islands
	Lower Walnut Creek Restoration Project
	Heron's Head Park Shoreline Resilience Project
Pre-Application	Terminal 4 Wharf, Warehouse, and Pilings Removal Project
	Palo Alto Horizontal Levee Pilot Project
	South Bay Salt Pond Phase 2 at Eden Landing
	South San Francisco Bay Shoreline Project: Phase II
	Shoreline Park - Burlingame
	Tiscornia Marsh Restoration and Sea Level Rise Adaptation Project
	Restore Hayward Marsh Project
	SAFER (Strategy to Advance Flood Protection, Ecosystems and Recreation)
	San Leandro Treatment Wetland Project
	McInnis Marsh Habitat Restoration
	Coyote Hills Restoration and Public Access
	Novato Deer Island Tidal Wetlands Restoration
	Sonoma Creek Baylands Strategy
	Greenwood Gravel Beach Design Project



Figure 3. Estimated timeline showing project schedules for pre-application coordination, permit application submittal, permit issuance, and construction phase. Estimated schedules based on most recent information provided by projects and subject to change.

## Performance Metrics

The BRRIT has improved the permitting process for restoration projects by providing guidance in advance of application submittal and responding to project proponents in a timely manner throughout the pre-application and permit application phase. The BRRIT provides monthly and quarterly performance reports to the PMC with the intent of tracking whether the BRRIT is progressing as envisioned. Performance Metrics in Table 1 combine those identified in the Memorandum of Understanding (MOU) among agencies implementing the BRRIT as well as agency-specific permitting timelines. In some cases it was not possible to actually track the MOU metric. In those cases, additional performance metrics were added or modified from the MOU to capture the intent of the metric.

### ***Key Takeaways***

- The BRRIT consistently provides guidance and feedback to project proponents within reasonable timeframes (86% of responses within 30 days). Some responses were delayed due to the need for additional coordination with agency staff outside of the BRRIT and other interagency teams. For example, the BRRIT required a couple of extra weeks to coordinate with the Long-Term Management Strategy for the Placement of Dredged Sediment in the San Francisco Bay Region (LTMS) to provide guidance to a project proponent on dredging and beneficial reuse of sediment.
- The BRRIT consistently responded to project proponents on individual requests within 30 days (80% - 100% of responses tracked).
- The BRRIT representatives consistently met their agency-specific timelines for completing Federal Endangered Species Act (ESA) consultations and issuing permits (100% for all agencies).
- The BRRIT did not meet the MOU performance metric to issue permits within 120/210 days (for simple/complex projects) of permit application receipt. However, of the four projects permitted so far, three did not engage in the pre-application process and the agencies needed additional information before they could issue permits. For the remaining project that did engage in the pre-application process, some agencies did not receive all the information and items they needed for a complete application, which delayed permit issuance. Although the BRRIT did not issue permits within the 120/210-day MOU metric, the BRRIT worked with project proponents to issue permits/authorizations in time to meet their anticipated construction start dates.
- Total time to complete permitting was correlated with the amount of time needed by the project proponents to prepare additional information required by the agencies for a complete application. If it took a long time for project proponents to provide the materials for a complete application package, it reflected a longer total time to receive permits (Table 1), even though agencies' statutory timelines were consistently met.

**Table 1. Summary of BRRIT performance to date, based on metrics identified in the MOU and agency-specific permitting timelines.**

<b>BRRIT Performance Metrics</b>		
<b>MOU Identified Metrics</b>	<b>Percentage</b>	<b>Description</b>
Pre-Application Meeting Response	86%	BRRIT provides pre-application meeting comments within 30 days
Projects Completed Pre-Application Process	25% (1 of 4)	Permitted projects that completed pre-application Process
USACE initiate Consultation within 15 days (metric 90%)	75% (3 of 4)	Response within 15 days
USFWS confirm within 15 days (metric 90%)	100% (5 of 5)	Response within 15 days
NMFS confirm within 15 days (metric 90%)	100% (6 of 6)	Response within 15 days
Simple Projects (metric: 80%)	0% (0 of 1)	All permits issued within 120 days of application submittal (only includes projects that participated in pre-application)
Complex Projects* (metric: 80%)	0% (0 of 0)	All permits issued within 210 days of application submittal (only includes projects that participated in pre-application)
<b>Individual Agency Mandates to Issue Permits/Consultations</b>		
<b>Agency</b>	<b>Percentage</b>	<b>Time to issue after application considered complete</b>
USACE	100%	Permits issued within 60 (NWP)/120 (IP) days
NMFS	100%	Consultations issued within 30/135 days
USFWS	100%	Consultations issued within 30/135 days
BCDC	100%	Permits issued within 90 days
CDFW	100%	Draft/Final SAA issued within 60/30 days
Water Board	100%	Permits Issued within 60 days
<b>Total Time from Applications Received to All Permits Issued</b>		
<b>Project</b>	<b>Number of Days</b>	<b>Project Type (Engaged in pre-application process)</b>
900 Innes Remediation Project	382	Complex (no pre-application)
Invasive Spartina Project - High Tide Refuge Islands	155	Simple (one pre-application meeting)
Heron's Head Park Shoreline Resilience Project	508	Complex (no pre-application)
Lower Walnut Creek Restoration Project	447	Complex (no pre-application)
Terminal 4 Wharf, Warehouse, and Pilings Removal Project	231**	Complex (pre-application)
<b>Applicant Response Time</b>		
<b>Applicant Responses Tracked (N=41)</b>	<b>Days</b>	<b>Description</b>
Average	71	Average number of days to respond
Median	39	Median number of days to respond
Range	0 to 295	Minimum and Maximum number of days
Majority of Responses	15 to 120	25th and 75th percentile
* Complex projects are those that require an Environmental Impact Report-level of CEQA review, a NEPA Environmental Assessment or Environmental Impact Statement, and/or may affect: federal or state threatened or endangered species. All other projects are simple.		
** Not permitted, number of days as of April 30.		

## Pre-Application Coordination

The BRRIT requests that project proponents provide materials for review two weeks prior to the pre-application meeting. This information typically includes an overview of the project including a project description, goals, impacts, and any questions project proponents may want to address during the meeting. The pre-application meetings are currently 1.5 to 2 hours long, with the recommendation that the project proponents deliver a 20-to-30-minute presentation and the balance of time be devoted to questions and discussion. In some cases, the BRRIT extends the meeting time to ensure adequate discussion. The BRRIT provides consolidated written comments to project proponents about four weeks after each pre-application meeting. These comments incorporate the BRRIT's coordination within their individual agencies and with other interagency working groups, as necessary.

The BRRIT has modified the structure of pre-application meetings and comment letters in response to feedback from project proponents. The letters typically provide summaries of the discussions and consolidated general and agency-specific comments, highlighting any issues that may require follow-up discussions to resolve. The BRRIT meets before and after each pre-application meeting to discuss material provided and to debrief. A BRRIT representative is designated as the primary point of contact (POC) for each project, and that individual reviews the comment letter to ensure that it is clear, cohesive, and does not provide conflicting guidance. The POC remains available to the project proponent throughout the pre-application and permit application phases of the project.

As of April 2021, the BRRIT has held 34 pre-application meetings. Most project proponents incorporated a lengthy pre-application phase into their project development with up to five pre-application meetings. A few project proponents did not anticipate extensive pre-application coordination, requesting only one or two pre-application meetings.

## Applying Lessons Learned

Based upon experience to date and feedback from project proponents, the BRRIT identified the following lessons learned and has been working over the past year to apply these to individual projects.

***Engaging Early and Often in the Pre-Application Process is Key to Success.*** Many of the projects on the BRRIT Project List are complex, with complicated designs, multiple protected species, habitat conversion issues, and sensitive site locations. During the past year, the BRRIT learned that the earlier that project proponents engage in robust pre-application coordination and the more frequently they meet with the BRRIT, the more efficient the permitting process.

The BRRIT can provide guidance on preparing permit applications and identify permitting concerns that may need further coordination to resolve. The BRRIT is also implementing quarterly check-ins with project proponents, as project designs develop to ensure that the BRRIT has updated information on changes in project design and schedules, and that all appropriate conservation measures are considered. Design changes happen and effective communication helps to identify any changes that can cause delays in permitting as the effects are analyzed by appropriate agencies. In addition, the BRRIT has determined that it is imperative that the details regarding the activities and effects are fully described. This can help avoid the need for re-initiating consultations or amending permits, which result in inefficiencies in the permitting process.

***Recognizing Ongoing Challenges for the Restoration Community.*** The May 2020 Memo identified a number of challenges that can add project costs and impact feasibility of the project design and/or

construction. The BRRIT is actively engaging with multi-agency technical advisory groups, such as the Wetland Regional Monitoring Program (WRMP) and the LTMS to address these ongoing challenges.

***Bringing in Expertise in the Pre-Application process.*** Projects may have specific issues that require expertise from outside the BRRIT, such as construction methodology and beneficial use of sediment, that may involve additional permitting challenges. The BRRIT is collaborating with other agency experts and interagency working groups, such as the LTMS, and has shared their guidance and recommendations with project proponents.

***Coordinated Comments.*** Some project proponents expressed that they want to hear one message from all agencies. In response to this feedback, the BRRIT modified the comment letters to identify common issues. The BRRIT and the PMC are also reaching out to the restoration community through outreach presentations to explain that the agencies have specific regulatory mandates and the BRRIT may not always be able to provide a unified message on certain issues. However, the BRRIT and the PMC are working to resolve these issues at a policy level and to address them specifically as needed through the BRRIT elevation process.

## Challenges and Recommendations

In the May 2020 Memo, the BRRIT identified six challenges from late 2019/early 2020 that were gathered from discussions with project proponents and from interagency discussions. Those challenges, along with additional challenges the BRRIT identified in late 2020/early 2021, are listed in Table 2 below along with the current progress/status of each issue to date.

**Table 2. Summary of BRRIT challenges, recommendations, and progress to date.**

CHALLENGES	DESCRIPTION	YEAR	RECOMMENDATION/PROGRESS
<b>CDFW Fully Protected Species</b>	No existing mechanism to provide Incidental Take Permit for fully protected species outside of scientific research, including efforts to recover the species.	2020	Issue identified and elevated to the PMC. One project permitted in 2020 entered into a Fully Protected Species/CESA 2081(a) MOU that included a research component, and will contribute to the recovery effort for salt marsh harvest mouse.
<b>State Employee Personal Leave Program</b>	During the COVID-19 pandemic in 2020, all State of California employees were required to reduce their work time and pay by 9.23%, accounting for approximately two days of work per month. This caused some delays in review of project information due to decreased work time.	2020	This challenge is anticipated to be short-term and State employees anticipate returning to normal work in the near future.
<b>Tools for Writing Permit Applications</b>	Permit applications require a large amount of project information that often needs to address different agency jurisdictions and regulation. This can make it difficult for project proponents to put together complete application packages.	2020	Issue identified.
		2021	Completed and Ongoing - The BRRIT updated the website to include a number of tools to assist with preparing application packages, including a permit application checklist, links to agency permitting pages, FAQs, and relevant plans or tools that projects can use.
<b>USACE Nationwide Permit 27 (Restoration) vs. Individual Permit</b>	The utility of nationwide permits for projects is limited to the scope of the nationwide and may not include some project activities such as adaptive management. However individual permits can be tailored to individual projects.	2020	Issue identified.
		2021	USACE continues to provide guidance to project proponents on the appropriate permit type. The BRRIT recommends developing a regional general permit (RGP) for multi-benefit restoration projects that would cover many of the types of projects that are eligible for BRRIT review. Development of an RGP would require substantial additional resources.
<b>Permit Timelines</b>	Permitting timelines depend upon both agency and project proponent responsiveness.	2020	Issue identified.
		2021	The BRRIT continues to communicate with project proponents to meet permitting schedules. However, the project proponent may be working on other planning or permitting requirements (CEQA, land acquisitions or leases, other agency consultations, etc.) that are outside of the BRRIT's control and can delay project responses to BRRIT requests for information.
<b>Monitoring</b>	Currently, there is no coordinated monitoring program and monitoring must occur on a project-by-project basis.	2020	Issue identified.
		2021	The BRRIT continues to require project-specific monitoring and is coordinating with the WRMP to see how regional scale monitoring can reduce required project-specific monitoring.
<b>Project outcomes (e.g. establishment of habitat) can be uncertain</b>	Uncertainties regarding how a project, especially those using innovative or experimental methods, may perform in the future given changing conditions (e.g., sea level rise, sediment supply, etc.) in San Francisco Bay.	2020	Issue identified.
		2021	The BRRIT continues to ask project proponents for the basis of design for the project and evaluate the project designs against predicted future conditions such as sea level rise. The BRRIT recognizes that pilot projects may be necessary to meet the challenges of climate change, but these projects may involve more uncertainty and require appropriate monitoring to gain regional knowledge that benefits future projects.
<b>Meeting project expectations</b>	Project proponents expressed a desire for an easier regulatory process for restoration projects and expedited permitting	2020	Issue identified.
		2021	Continued outreach and communication with the restoration community on the benefits of early and frequent coordination with the BRRIT is key to improved permitting outcomes. The BRRIT can be most effective when projects invest adequate time in the pre-application process to understand regulatory requirements and resolve any issues.
<b>New 401 Rule</b>	The new certification rule changed the Water Board's application process and permit timelines and removed their ability to amend certifications.	2021	The Water Board is requesting projects submit draft permit applications for staff review prior to submitting permit applications. Project proponents should wait to submit certification requests until staff determine project materials are complete.
<b>Project impacts</b>	Multi-benefit restoration projects can have impacts on aquatic resources and species. For example, project elements such as shoreline hardening, installation of tide gates, and habitat conversion will result in impacts	2021	The BRRIT works with projects to incorporate appropriate avoidance and minimization measures into their projects, and mitigation if required.
<b>MOU performance metric to issue permits within 120/210 days of application submittal</b>	For projects permitted so far, the BRRIT has not received all the information needed for a complete application, which has delayed permit issuance.	2021	The BRRIT recommends that projects provide draft applications for BRRIT review prior to application submittal. The BRRIT can provide guidance on whether project materials are complete and ready for submittal.

## BRRIT Operations

The BRRIT has continued the following efforts that were initiated in the first 6 months, as described in the May 2020 Memo:

- The BRRIT further developed tracking of BRRIT projects (Project Tracker) and performance metrics (Performance Metric Tracker) to ensure the BRRIT meets project deadlines. The Project Tracker includes target application submittal, permit issuance, and construction start and end dates. The Performance Metric Tracker was improved to more accurately reflect the MOU requirements and permit issuance deadlines. Although the BRRIT previously reported on project timelines and performance metrics on an as needed basis, the BRRIT now provides monthly Project Tracker reports and quarterly Performance Metrics reports to the PMC.
- Updated the BRRIT Internal SharePoint Site, an essential tool for storing/sharing files and facilitating coordination of work products, workday agendas, and the BRRIT group calendar.
- Refined/adapted the BRRIT consolidated comments based on feedback from project proponents.
- Updated the Standard Operating Procedures to reflect evolving BRRIT roles, including the addition of an outreach role, as described below.

In addition, the BRRIT has redesigned the [website](#) to better support the restoration community. The revised website includes an improved layout and organization as well as the following new features:

- More information on the BRRIT pre-application process,
- News Highlights section,
- Resources and Tools webpage, which includes:
  - Permit application checklist
  - List of helpful agency website links, including the Federal Endangered Species Act Consultation Package Builder, example Biological Opinions, etc.
- FAQs,
- Satisfaction surveys,
- Platform for project materials to be shared with the BRRIT, and
- Materials developed in coordination with the PMC, including protocols for elevating and resolving permitting issues, a Permit and Policy Improvement List, and a Tips for Project Proponents document detailing best practices during the BRRIT process.

## Outreach

To generate more awareness of the benefits offered by the BRRIT, and to gather information from the restoration community on potential improvements to the BRRIT process, the SFBRA, PMC, and the BRRIT coordinated on outreach efforts, including presentations and pre-application satisfaction surveys.

Rotating BRRIT representatives joined SFBRA and EPA staff to introduce the BRRIT representatives and describe the purpose of the BRRIT, how projects become eligible for BRRIT review, what to expect from the BRRIT process, the website tools and resources developed by the BRRIT, and some of the accomplishments and challenges experienced thus far. These presentations allowed time for clarifying questions and feedback from the restoration community. The SFBRA POC reported back to the PMC that most feedback from these presentations has been positive.

The audience for these presentations included the SFBRA Advisory Committee, the San Francisco Estuary Partnership Implementation Committee, the San Francisco Bay Joint Venture Management Board, the North Bay Watershed Association, the San Francisco Bay Joint Venture Conservation Delivery Committee, Jennifer Norris (Deputy Secretary for Biodiversity and Habitat, California Natural Resources Agency), Paul Souza (Regional Director, USFWS), Chuck Bonham (Director, CDFW), East Bay Regional Park District, and an internal brown-bag presentation to EPA. Additional outreach meetings will be scheduled with other groups as requested.

The BRRIT developed a pre-application satisfaction survey to obtain feedback from project proponents on their experience during the pre-application process and how the BRRIT can improve the experience to better serve the restoration community. As of April 2021, three project proponents completed the survey (one of the project proponents had completed the pre-application process, and two project proponents had not).

The feedback from these surveys was generally positive on the operation of meetings, comments/feedback that the BRRIT provides following meetings, the usefulness of break-out meetings with individual BRRIT members, the level of detail and guidance provided by the BRRIT, BRRIT receptivity to past concerns with regulatory conflicts, and permitting efficiency. Overall, the responses indicated that the project proponents agree/moderately agree that the BRRIT process met their expectations.

Some feedback from the surveys indicated concerns about variation in response time amongst BRRIT members, as well as the desire for a consolidated set of comments from the BRRIT (rather than agency-specific comments compiled in a comment letter). One response indicated the desire for current special-status species lists, species-specific work windows, and guidance on programmatic permits.

Although the number of returned surveys thus far has been small, the responses were helpful. The BRRIT adjusted some practices (*e.g.*, coordinated comment letters) in response to this feedback, in an effort to better serve the restoration community. Future survey responses may provide additional insight into how the BRRIT process might improve.

Finally, the BRRIT sent a Welcome Letter to all project proponents in spring 2021. Though many projects were well underway with pre-application meetings before the letter was created, this document was provided to all as a refresher and as an opportunity to check back in with existing project proponents on the status of their projects. Moving forward, the Tips for Project Proponents document will be sent with the Welcome Letter to new project proponents added to the BRRIT Project List.

## Other Collaborative Initiatives

In 2020, the BRRIT participated in 18 meetings with staff outside of the BRRIT. Some meetings included major efforts to improve transparency and consistency in permitting type conversion projects and to provide feedback on the WRMP being developed for San Francisco Bay, both of which are identified on the PMC Permit and Policy Improvement List as significant issues. Below are some highlights from these coordination efforts.

### ***Aquatic Resource Type Conversion Evaluation Framework***

- The BRRIT is working closely with EPA staff to beta test the Aquatic Resource Type Conversion Evaluation Framework (framework), finalized in February 2020, on a real-world project. The complex restoration projects under BRRIT review frequently propose conversion of wetland

types but lack information on the ecological and regulatory trade-offs of that habitat conversion. The goal of the framework is to provide a structured, rigorous, and standardized analytical approach for agencies to determine if habitat type conversion is ecologically appropriate and whether mitigation is necessary. The framework is intended to provide a scientific evaluation tool that reduces permitting conflicts and results in more regulatory certainty for project proponents.

- Specifically, the BRRIT and EPA are applying the framework to identify any unforeseen issues or areas where more clarity is needed in the analysis, and to test the amount of time it may take to work through the framework for an individual project.

### ***Wetland Regional Monitoring Program***

- Development of the WRMP relies on regional collaboration with resource and regulatory agencies to help determine how, when, and what scientific monitoring data is critical to inform regional management decisions related to restoration needs, in the face of a rapidly changing Bay. All agencies that serve on the BRRIT have representatives serving on the WRMP Steering Committee (SC) or the Technical Advisory Committee (TAC). Further, the SC and TAC members come from various functional arms within the agencies, as appropriate, to ensure the full spectrum of agency perspectives.
- In January 2021, the BRRIT attended a WRMP Permitting Workshop that was held to gather information and understand how the WRMP might best serve regulatory purposes. The various agencies affirmed WRMP utility, although continued conversations are necessary to explore potential mechanisms by which the WRMP could serve the regulatory process. Agency staff see potential in the WRMP development of standard monitoring protocols and establishment of regional reference conditions, both of which could greatly benefit assessing and permitting site-specific restoration and compensatory mitigation projects. The WRMP could also conduct regional scale monitoring that could reduce the amount of required project-specific monitoring. It will be important to ensure the agencies and WRMP clearly set expectations, such as scope of the program and potential implementation in permitting.

### ***Other Interagency Coordination Efforts***

- The BRRIT participated in five workshops related to emerging restoration science and eight interagency meetings with the aim of improving permitting coordination. Interagency meeting topics related to BRRIT current permitting efforts included: improving permitting of living shorelines and subtidal habitat, interagency considerations for artificial reefs, coordinating on dredging and beneficial use of sediment, pile removal methods, Bay beaches, and improving adaptive management for restoration projects.
- The BRRIT is developing standard operating procedures for working with the LTMS and Dredged Material Management Office (DMMO) on restoration projects proposing to beneficially use dredged sediment.

## **Policy and Management Committee**

The PMC has worked since 2018 to establish the BRRIT and set roles, responsibilities, and processes. The PMC meets monthly with the BRRIT to discuss and provide guidance on specific projects as well as overarching policy issues and administrative and process issues. Members of the PMC participated in

several of the outreach efforts described above. In addition, the PMC completed the following initiatives this year:

- A Memorandum of Understanding, signed by each of the participating agency's executive management, which outlines the roles and responsibilities of each agency and the commitment to participate in and support the BRRIT process.
- Developed an Issue/Elevation Resolution Process, which provides applicants information about the process for resolving any issues that may arise.
- Developed the Welcome Letter and the Tips for Project Proponents document in coordination with the BRRIT.
- Led an annual BRRIT workshop, focusing on lessons learned over the first full year of operation and charting a course for the next year.

### ***Permit and Policy Improvements***

The PMC is tasked with identifying and resolving policy issues that may arise during the permitting process. The [Permit and Policy Improvement List](#) was developed to identify these issues along with potential avenues for resolving these issues. This list was last provided to the SFBRA Board in May 2020, and was updated to reflect policy issues and associated initiatives identified or continued this year, as well as progress made on certain initiatives and accomplishments.

## **Moving Forward**

Although it can be difficult to forecast the COVID-19 pandemic trajectory, the BRRIT anticipates continuing to work remotely due to the COVID-19 pandemic for the foreseeable future, however most of the BRRIT has been able to resume site visits. Resuming in-person workdays, pre-application and permitting meetings with project proponents, and site visits will depend on continued loosening of COVID-19 restrictions.

The BRRIT will continue to meet with the existing 12 projects currently in the pre-application phase. Additionally, the SFBRA will continue to put out a request for new projects roughly every six months. New projects will be added to the BRRIT Project List over time.

Based on pre-application materials submitted to date, the upcoming year is anticipated to be busy for the BRRIT, given the advancement of many projects from the pre-application phase to the application phase. The BRRIT also expects to experience even better communication with project proponents given:

- The multitude of tools created for project proponents to ensure that applications submitted are thorough and complete,
- The rapport built with consultants and project proponents that have undergone the BRRIT process once and have returned with subsequent projects, and
- Increased BRRIT staff experience level leading to more familiarity with common restoration designs, benefits and drawbacks of various permitting strategies, and flexibility within agency-specific mandates.

The BRRIT will continue to create or improve guidance tools and resources as needed, provide outreach to the restoration community, collaborate with interagency working groups, and attend relevant workshops and other learning opportunities (*e.g.*, California Rapid Assessment Method (CRAM), tidal marsh restoration, sediment beneficial use, etc.).

## Funding

The original budget for the BRRIT was \$1,250,000 per year (with annual increases for inflation). Just over \$6.5 million has been secured for five years. Funders are the SFBRA (\$600,000 per year for five years, with increases annually for inflation), State Coastal Conservancy (\$250,000 per year for five years), Santa Clara Valley Water District (\$200,000 for the years one and two and reasonable efforts to provide \$200,000 annually for the remaining three years), East Bay Regional Park District (\$75,000 per year for five years), and Bay Area Toll Authority (\$100,000 per year for five years, subject to availability of funds in annual budgets after the first year). In addition, the Water Board is providing in-kind office space for the BRRIT to work and meet.

The actual expenditures for the BRRIT for the first 1.5 years from July 2019 to December 2020 totaled just over \$1 million. This reduced cost for the first 1.5 years of operation is primarily due to an initial delay with executing an agreement with USACE, an ongoing delay in executing an agreement with the Water Board, and reduced travel expenses for the BRRIT members due to COVID-19 restrictions. The Water Board has fully participated with the BRRIT and PMC and we anticipate an agreement will be executed as of August 2021 to provide them with funding going forward. In addition, USACE has billed less than budgeted and the State agency staff have had 9.23% salary reductions for the past year. The annual estimated budget once all six of the agencies are under agreement and salary cuts are over is \$1,050,000 - \$1,250,000.

Based on the cost savings to date, and potentially reduced anticipated annual costs going forward, we have no anticipated issues with funding the BRRIT for the planned five years. We will most likely have enough funds remaining for a sixth year of the BRRIT.