



*Heron's Head Park Shoreline Resilience Project, July 2022. Photo credit: Port of San Francisco*

# 2023 Annual Report

Bay Restoration Regulatory Integration Team (BRRIT)

September 2023

## Introduction

This annual report reviews the cumulative activities and performance of the Bay Restoration Regulatory Integration Team (BRRIT) from its inception in August 2019 through April 2023, and highlights its activities and performance over the May 2022 to April 2023 reporting period.

The BRRIT was formed to improve the permitting process for multi-benefit habitat restoration projects and associated flood management and public access infrastructure in the San Francisco Bay and along the shoreline of the nine Bay Area counties (excluding the Delta Primary Zone). 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.

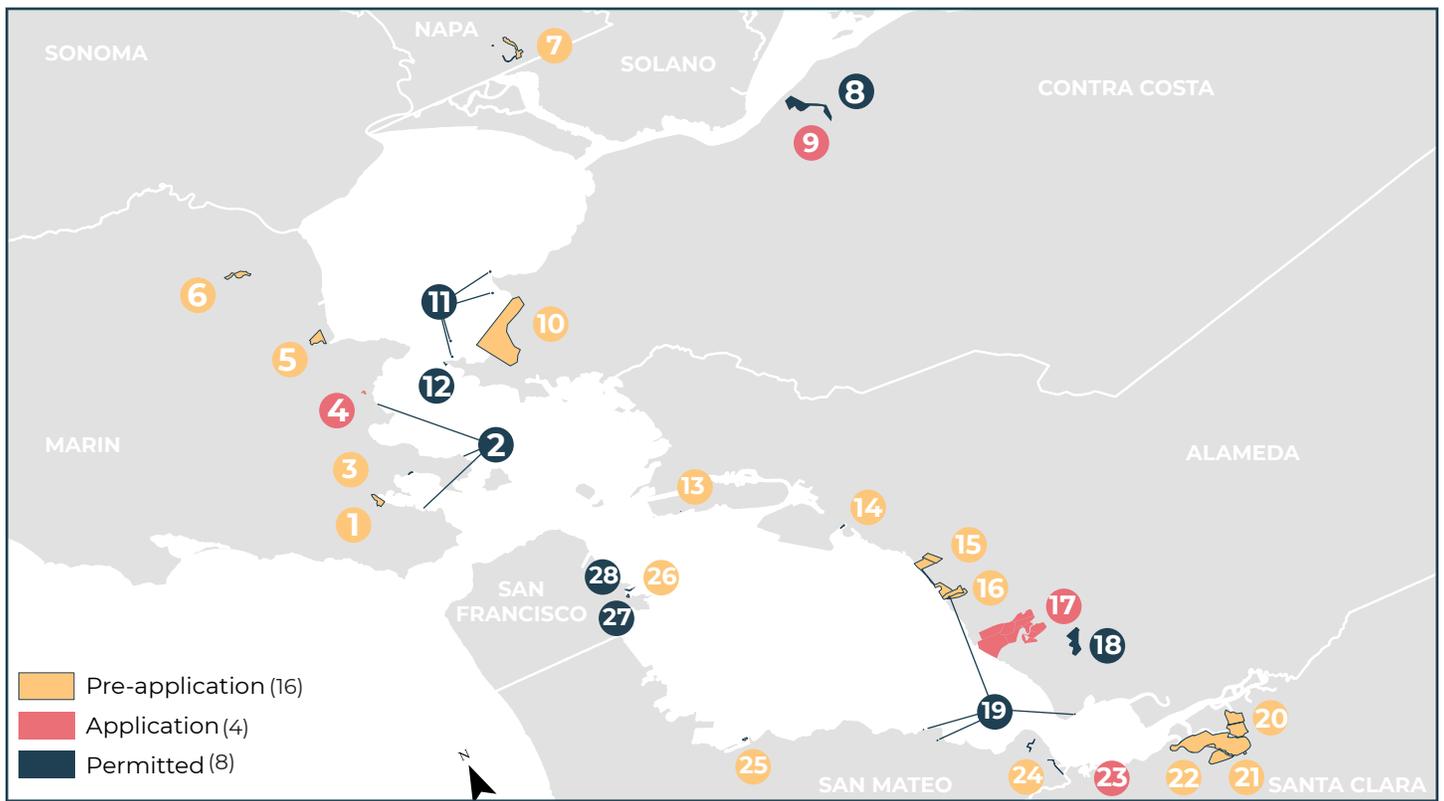
The BRRIT continues to make progress permitting multi-benefit habitat restoration projects. This year, in addition to facilitating permitting for restoration projects, we focused on improving our guidance to project proponents to avoid perceived conflicts, exploring ways to improve the process for soliciting feedback from project proponents about how the BRRIT can best serve the restoration community, and incorporating relevant suggestions into the permitting process.

**Projects.** Figure 1 below shows the 28 multi-benefit restoration projects on the BRRIT Project List distributed around the nine Bay Area counties. To be placed on the BRRIT Project List, projects must qualify for Measure AA funding ((the 2016 San Francisco Bay Clean Water, Pollution Prevention and Habitat Restoration Measure) and be entered into EcoAtlas. The San Francisco Bay Restoration Authority (SFBRA) solicits proposals for restoration projects to participate in the BRRIT pre-application and permitting process and determines whether projects are eligible for BRRIT review. Of the 28 projects on the BRRIT Project List, 16 projects are in the pre-application phase, 4 projects are in the application phase, and 8 projects have been fully permitted. Implementation of these projects will contribute toward achieving voter-approved Measure AA priorities.

**Performance.** BRRIT representatives consistently met their agency-specific timelines for issuing permits and consultations (100% for all agencies) and issued all permits in time to meet project proponents' construction schedules. Further, the BRRIT continues to receive overall positive feedback from project proponents based on our satisfaction survey results.

**Outreach.** The BRRIT continues to engage with the restoration community. During this reporting period, the BRRIT maintained and updated the [BRRIT website](#) with information on the BRRIT process as well as resources and tools for project proponents; and solicited feedback through satisfaction surveys regarding the pre-application and permitting process.

**Policy/Process.** The Policy and Management Committee (PMC) supports and collaborates with the BRRIT on project-specific challenges, policy, and administrative and process issues. This report provides an overview of the PMC's work this reporting period, including work on the Permit and Policy Improvement List.



### 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 Bothin Marsh Evolving Shorelines Project*	●	●	●	●
2 Reef Design Innovations for Living Shorelines		●		
3 Greenwood Gravel Beach Design Project*		●	●	
4 Tiscornia Marsh Restoration and Sea Level Rise Adaptation Project*		●	●	●
5 McInnis Marsh Habitat Restoration*	●	●	●	●
6 Novato Deer Island Tidal Wetlands Restoration*		●	●	●
7 City of American Canyon Wetlands Restoration Project*	●	●	●	●
8 Lower Walnut Creek (LWC) Restoration Project*		●	●	●
9 Pacheco Marsh (LWC North Reach) Public Access Improvements				●
10 North Richmond Shoreline Living Levee*		●	●	●
11 SF Bay Living Shoreline (Water Quality Sondes Project)		●		
12 Terminal 4 Wharf, Warehouse, and Pilings Removal Project*	●	●		
13 City of Alameda De-Pave Park*		●	●	●
14 San Leandro Treatment Wetland Project*	●	●	●	
15 EBDA First Mile Horizontal Levee	●	●	●	●
16 Restore Hayward Marsh Project*		●		●
17 South Bay Salt Pond Phase 2 at Eden Landing*		●	●	●
18 Coyote Hills Regional Park - Restoration and Public Access Project*	●	●		●
19 Invasive Spartina Project - High Tide Refuge Islands*		●		
20 Beneficial Reuse of BART Silicon Valley Phase II Tunnel Excavated Material in Marsh Restoration at Former Salt Ponds	●	●	●	
21 Valley Water Calabazas and San Tomas Aquinas Creek Marsh Connection Project*	●	●	●	●
22 Pond A4 Resilient Habitat Restoration Project		●	●	●
23 Palo Alto Horizontal Levee Pilot Project	●	●	●	●
24 Strategy to Advance Flood Protection, Ecosystems and Recreation (SAFER) Bay Project*	●	●	●	●
25 Park at 410 Airport Blvd.*	●	●		●
26 India Basin Shoreline Park, Phase 3	●			●
27 900 Innes Remediation Project*	●	●		
28 Heron's Head Park Shoreline Resilience Project*		●		●

\*Denotes projects that have been awarded funding by the SFBRA Governing Board or will be recommended by SFBRA staff for funding in the near future. Project locations and extents displayed on the map are approximate and are based on data from Ecoatlas, where it was available. In some cases, these may not reflect actual project locations and extents. For more information about these projects, visit <https://www.sfbayrestore.org/brrit-project-list>.

Figure 1. Multi-benefit restoration project locations, permitting status, and SFBRA programs and priorities.

## Benefits of the BRRIT Pre-application Process

The pre-application process is one of the primary benefits that the BRRIT brings to the restoration community. Project proponents establish a working relationship early on in the project planning process with dedicated representatives from six regulatory agencies and continue to work with these staff through project development, permitting, construction, and monitoring.



*Installed water bladder at 900 Innes Remediation Project*

During pre-application, the BRRIT members and the project teams discuss proposed project elements and the BRRIT provides guidance on designing projects consistent with agencies' policies and identifies potential issues early in the project's planning and design process. Project proponents who may not be familiar with the permitting process are given support as they prepare their permit applications to ensure that they include all the information needed for each agency's permit application. This has improved the completeness of the applications that the BRRIT has received, which also improves the timeliness of permit issuance. The BRRIT encourages project proponents to initiate the pre-application process early and seek additional feedback as often as needed.

During this reporting period, the BRRIT implemented some changes during the pre-application process that will benefit projects, including:

- The BRRIT now holds targeted meetings with project proponents to discuss public access components and ensure public access is sited, designed, and managed to avoid and minimize impacts to sensitive species and habitats. For example, BRRIT members from BCD, CDFW, and the USFWS met internally and with the project team to recommend design modifications to minimize impacts for the Lower Walnut Creek North Reach Public Access Improvements Project. These meetings resulted in design modifications (e.g., planting screening vegetation and public viewing structures with anti-predator-perching devices) that benefit wildlife species while maximizing the public experience. The BRRIT also used this approach with several other projects, including the Tiscornia Marsh Restoration and Sea Level Rise Adaptation Project, the Restore Hayward Marsh Project, and the Palo Alto Horizontal Levee Pilot Project.
- BRRIT staff from USFWS, NMFS, and CDFW worked closely to align their required species conservation measures so that they avoid conflicts between the measures each agency incorporates into their authorizations. For example, the agencies ensure consistency in the types of species surveys they may require, the timing of seasonal work windows, or any other differences

between the standard measures for species that are regulated by more than one agency.

- The BRRIT modified how written feedback on pre-application meetings is prepared for project proponents. The BRRIT enhanced its internal review process to further ensure agency comments are clear and concise and avoid perceived conflicts. In the cases where two or more agencies have different guidelines or conflicting policies, the BRRIT will identify the issue early, coordinate on a path forward, and collaborate with the PMC as needed.
- The BRRIT is working with project proponents to simplify permitting that may be required for installation of scientific measurement devices. Restoration projects often need to install scientific measurement devices to conduct baseline monitoring that will inform their restoration project design. Installation of these devices can result in impacts to aquatic habitat and special status species and may require permits. The BRRIT is working with project proponents to refine the scope of their scientific and geotechnical data collection and incorporate appropriate best management practices to avoid and minimize impacts in aquatic habitat.

The BRRIT maintains a [Resources and Tools](#) feature on its website that is available for project proponents and the public to clarify each agency's policies, regulations, and permitting requirements, as well as to provide guidance on topics related to sea level rise adaptation, monitoring, species conservation, and environmental justice. The Resources and Tools page now includes information on new restoration permitting tools that are available to eligible restoration projects, including:

- USFWS's Programmatic Biological and Conference Opinion on the California Statewide Restoration Effort (PBO).
- State Water Resources Control Board's Statewide Restoration General Order (SRGO).
- CDFW's Cutting the Green Tape Restoration Management Permit (RMP) and the Statutory Exemption for Restoration Projects (SERP) for streamlining CEQA.
- Expedited Letter of Concurrence for NMFS Section 7 informal consultations (ELOC).

During pre-application, the BRRIT reviews whether projects are eligible for any of these new restoration permitting tools and advises project proponents as to how they can modify their projects to benefit from these initiatives. This year, the Palo Alto Horizontal Levee Pilot Project made use of the USFWS PBO and ELOC and plans to obtain an RMP. In addition, the Restore Hayward Marsh Project made use of the SERP. The BRRIT is currently working with project proponents on at least three projects to try to take advantage of these new permitting tools.

## BRRIT Projects

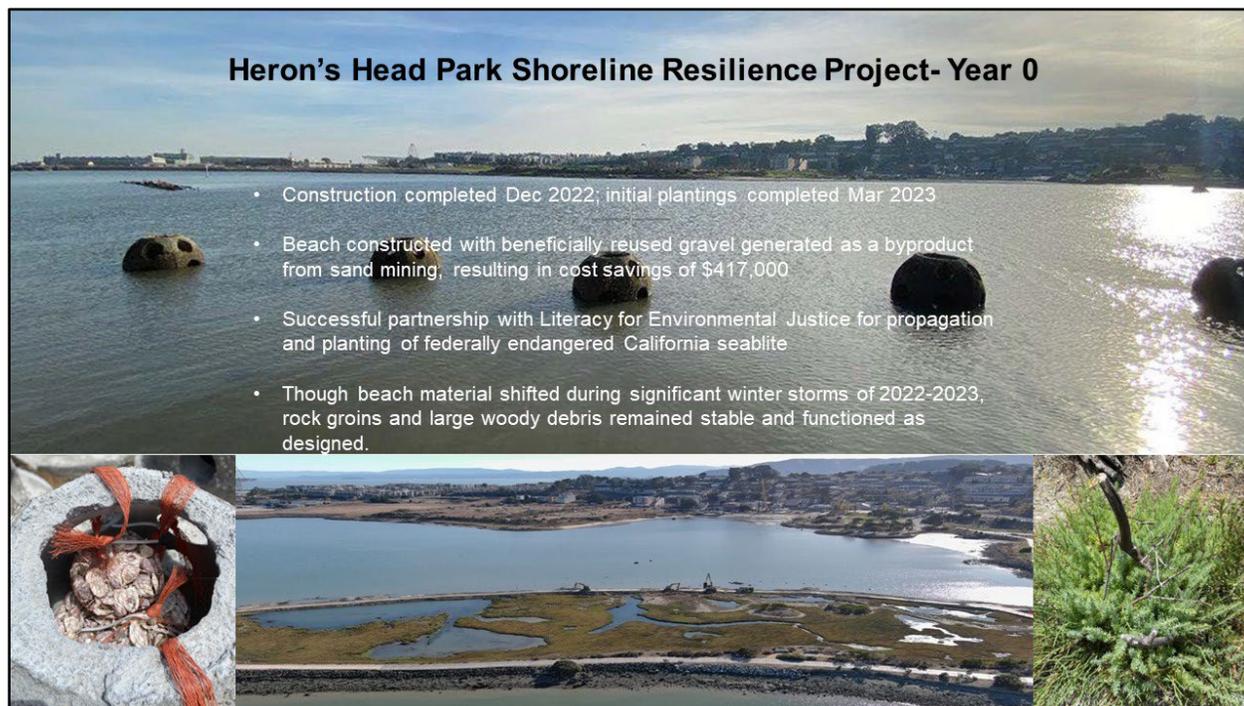
The BRRIT completed permits and authorizations for three projects during this reporting period (Reef Design Innovations for Living Shorelines, Coyote Hills Regional Park- Restoration and Public Access Project, and San Francisco Living Shorelines (Water Quality Sondes) Project) for a total of eight projects permitted since 2019. Of the remaining 20 projects on the BRRIT Project List, four are in the application phase and 16 are in the pre-application phase. Figure 2 below notes cumulative BRRIT achievements, notably that 63 agency permits and authorizations were issued for nine multi-benefit restoration projects (eight projects fully permitted and one project not yet fully permitted).

Project highlights this year include:

- The Lower Walnut Creek Restoration Project submitted their first monitoring report and all success criteria for Year 1 were met, except for a slight exceedance of the threshold for weed cover. No adaptive management was required this year. The project restored and enhanced wetland habitats along four miles of Walnut Creek, improving habitat quality and connectivity over nearly 300 acres.
- 900 Innes Remediation Project completed cleanup of debris and contaminated sediment and is implementing the next phase of the project, which will focus on constructing public access and recreational amenities as part of the expansion of India Basin Shoreline Park.
- Reef Design Innovations for Living Shorelines Project completed construction and submitted their first monitoring report. This is a demonstration project deployed at three sites in San Francisco Bay to test new designs for oyster reefs that will potentially streamline the fabrication process and reduce costs for restoration.
- Terminal 4 Wharf, Warehouse, and Piling Removal Project conducted eelgrass studies in May 2023 and began construction in July 2023. The project will remove the remains of a wharf, warehouse, over 2,000 pilings and associated structures as well as stabilize an eroding shoreline and protect existing eelgrass beds.
- Heron's Head Park Shoreline Resilience Project completed construction and submitted a post-construction report (see Figure 3). The project features a gravel beach with rock groins and large woody debris to stabilize the



shoreline and protect existing tidal marsh. The project also installed 60 oyster reef balls to improve habitat for native oysters and other native species; planted the federally endangered California seablite; and conducted a pilot study to determine whether California seablite can be arbored to provide enhanced refugial habitat for the endangered salt marsh harvest mouse. The project is also funded by SFBRA to conduct long-term monitoring of reef balls and gravel beach elements.



**Figure 3.** Photos from Heron's Head Park Shoreline Resilience Project, Year 0, Post-Construction Physical Conditions and Processes Survey Memorandum, ESA, May 2023.

During this reporting period, the following seven new projects were added to the BRRIT Project List:

- San Francisco Bay Living Shorelines (Water Quality Sondes Project)
- Bothin Marsh Evolving Shorelines Project
- Calabazas and San Tomas Aquino Creek Marsh Connection Project
- Pond A4 Resilient Habitat Restoration Project
- Beneficial Reuse of BART Silicon Valley Phase II Tunnel Excavated Material in Marsh Restoration at Former Salt Ponds
- City of Alameda De-Pave Park
- American Canyon Wetlands Restoration

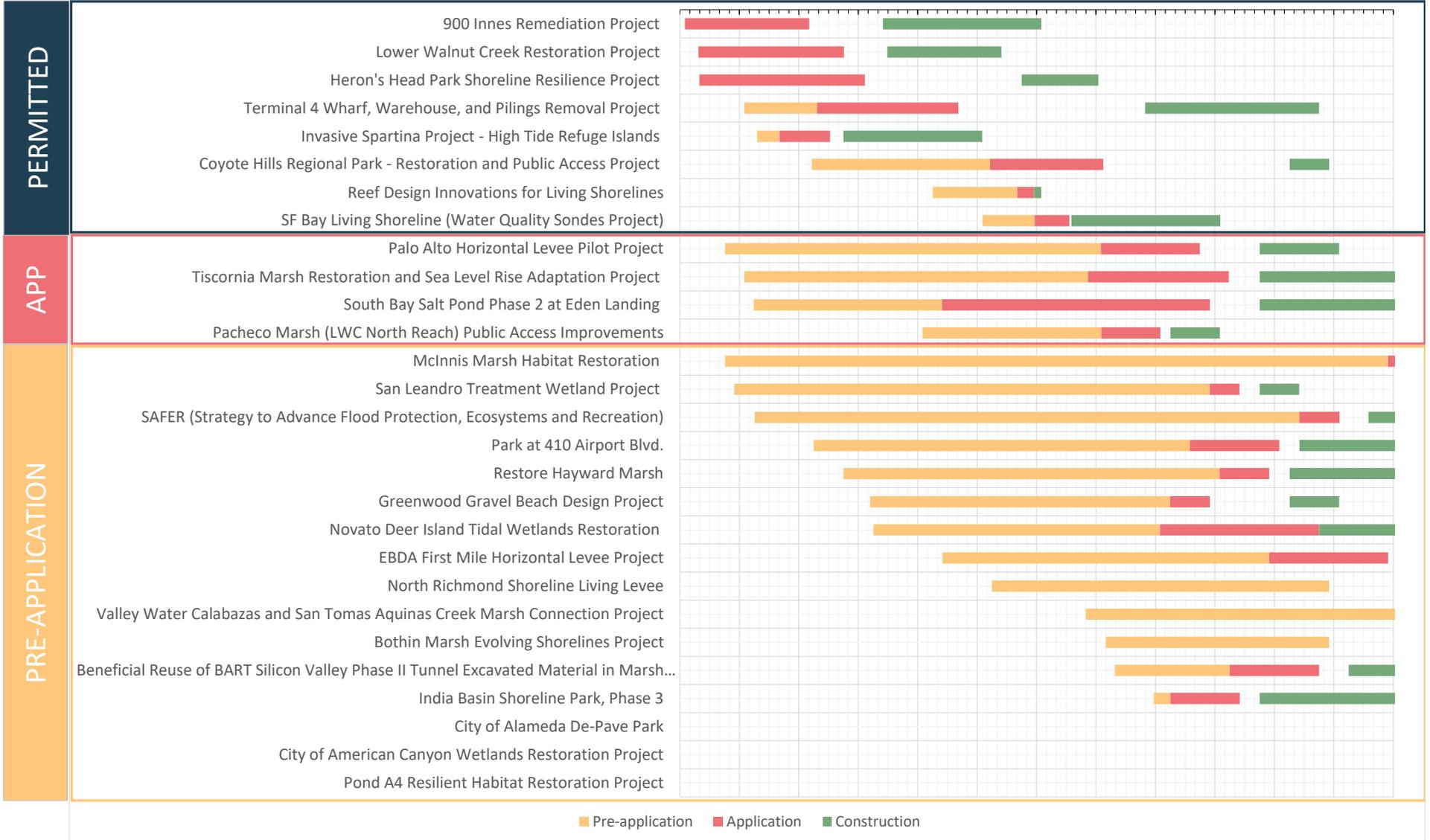
Figure 4 shows project schedules (pre-application to construction) for all BRRIT projects since the BRRIT's inception in August 2019. The length of the pre-application process and amount of pre-application coordination varies considerably and can depend on many factors outside of BRRIT's control, including project complexity, funding constraints, and coordination with multiple stakeholder groups. In addition, the BRRIT coordinates with project proponents after permit issuance, as needed. Over the next year, the BRRIT anticipates the following notable milestones: ten

projects plan to submit permit applications; one project will complete construction; and five projects will start construction by mid to late 2024.

Current and future implementation of these 28 multi-benefit restoration projects will help move the San Francisco Bay community closer toward the collective goals of a healthier Bay, increased fish and wildlife habitat, improved flood protection, and increased and more equitable public access.

# BRRIT Project Estimated Timelines

Jul-19 Jan-20 Jul-20 Jan-21 Jul-21 Jan-22 Jul-22 Jan-23 Jul-23 Jan-24 Jul-24 Jan-25 Jul-25



**Notes:**

Timelines are estimated based on latest information available to the BRRIT; may not reflect actual timelines.  
 Tick-mark for each month represents the middle of the month, not the start.

**Figure 4.** Estimated timelines for pre-application coordination, permit application review and issuance, and construction. Estimated schedules are based on the most recent information provided by project proponents and are subject to change.

## BRRIT Performance

Table 1 below lists performance metrics from August 2019 through April 2023, including those identified in the [BRRIT Memorandum of Understanding](#) (MOU) and agency-specific permitting timelines. The BRRIT improves the permitting process for restoration projects by providing guidance in advance of permit application submittal and by responding to project proponents in a timely manner throughout the pre-application and permit application phase. As in previous years, project timelines shift and the BRRIT pivots workload to meet the needs of projects with the most urgent time constraints.

### Key Takeaways

- The BRRIT consistently provided agency-coordinated guidance and feedback to project proponents in a timely manner following pre-application meetings, with 74% of responses sent within 30 days (the target timeframe set by BRRIT staff). Twenty-six percent of responses were delayed slightly beyond 30 days, due to the need for additional coordination on complex projects among BRRIT agency staff or with external organizations. Early feedback from the BRRIT has helped to inform design modifications to further avoid and minimize impacts to aquatic habitat, avoid conflicts with public access components, and incorporate appropriate avoidance and minimization measures.
- The BRRIT is responsive and met the MOU criteria to provide project proponents with notification of permit application completeness or incompleteness within 30 days of receipt (100% for all agencies).
- Permit issuance was delayed for three projects due to factors outside of BRRIT's control, including late submittal of application information and a request from the project proponent to delay permit issuance due to funding issues. Therefore, the BRRIT did not meet the MOU performance metric of issuing at least 80% of agency permits within 120 or 210 days of permit application submittal (for simple and complex projects, respectively). It is important to note that this metric only applies to five of the eight permitted projects that were able to take advantage of the BRRIT pre-application process. The BRRIT and PMC are considering revising this MOU metric in the future to account for external factors that can delay permit issuance.
- Overall, the pre-application process has improved the completeness of permit applications the BRRIT has received, thereby improving the timeliness of permit issuance. With eight projects fully permitted and a total of 63 permits and other authorizations issued, the BRRIT completed Federal Endangered Species Act consultations and issued all permits within their agency-specific permitting timelines and in time to meet project proponents' construction schedules.

<b>BRRIT Performance Metrics (August 2019 - April 2023)</b>			
<b>Metric</b>	<b>Description</b>	<b>MOU Target</b>	<b>Percentage Achieved</b>
Pre-Application Meeting Response	BRRIT provides pre-application meeting comments within 30 days.	N/A	74%
Permit Application Response	BRRIT notifies project proponent of application completeness/ incompleteness within 30 days	90%	100%
USACE Requests USFWS/NOAA Fisheries Consultation*	USACE requests ESA consultation with USFWS and NOAA Fisheries within 15 days of permit application submittal	90%	80% (8 of 10)
USFWS Response to Consultation Request	USFWS responds within 15 days of receiving consultation request	N/A	100% (8 of 8)
NOAA Fisheries Response to Consultation Request	NOAA Fisheries responds within 15 days of receiving consultation request	N/A	85% (11 of 13)
Permit Issuance for Simple Projects**	Projects with all BRRIT permits issued within 120 days of application submittal (only includes projects that participated in pre-application)	80%	50% (2 of 4)
Permit Issuance for Complex Projects**	Projects with all permits issued within 210 days of application submittal (only includes projects that participated in pre-application)	80%	0% (0 of 1)
Successful Timing of Permit Issuance	Projects with all permits issued within 120/210 days and/or in time to meet project construction schedule	N/A	100% (8 of 8)
<b>Individual Agency Mandates to Issue Permits/Consultations (August 2019 - April 2023)</b>			
<b>Agency</b>	<b>Time to issue after application considered complete</b>	<b>Percentage Achieved</b>	
USACE	Permits issued within 60 days (Nationwide Permits) or 120 days (Individual Permits)	100%	
NOAA Fisheries	Consultations issued within 60 days (Letter of Concurrence) or 135 days (Biological Opinion)	100%	
USFWS	Consultations issued within 60 days (Letter of Concurrence) or 135 days (Biological Opinion)	100%	
BCDC	Permits issued within 90 days	100%	
CDFW	Streambed Alteration Agreements issued within 60 days (Draft) or 30 days (Final)	100%	
Water Board	Permits issued within 60 days	100%	
<i>*Total numbers of consultations differ between agencies as consultations do not always involve all three agencies and may not be initiated at the same time. Other consultations were initiated more than once.</i>			
<i>**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.</i>			

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

## Project Proponent Feedback

The BRRIT developed a [satisfaction survey](#) (available under the BRRIT Process section of our webpage) to seek feedback from project proponents on their experience during the pre-application process, with the goal of improving its process to better serve the restoration community. Six projects completed satisfaction surveys since the BRRIT's inception; two of these projects did not participate in the BRRIT's pre-application process and only one project completed a survey during this reporting period. Because of the low number of respondents to the satisfaction surveys overall, the BRRIT has also reflected on verbal and email feedback received from project proponents.

Overall, results from satisfaction surveys, verbal comments, and written feedback have been mostly positive. Feedback has indicated that the BRRIT conveyed agency concerns clearly; provided useful feedback in pre-application comment letters; effectively used remote technology (in light of COVID-19 limitations); and effectively assisted project proponents in preparing permit applications. Most notably, one project proponent commented that they have been, "quite happy with the BRRIT and consider the BRRIT to be a valuable part of the process in developing projects in areas with sensitive resources. Meeting with the BRRIT and receiving thoughtful input has been very helpful." Another project proponent expressed their pleasure in working with the BRRIT, an appreciation of our time spent working with them, and noted that BRRIT's tone is different and helpful. A third project proponent attributed part of the success of their project to partnerships (including with the BRRIT), and that "having to rethink, justify, and hone the design as a result of the BRRIT process definitely resulted in a better project."



*Newly created tidal channel at Lower Walnut Creek Restoration Project*

Constructive concerns indicated that requests for information and preparation for meetings can feel onerous and BRRIT comments following pre-application meetings can feel overwhelming and lack integration. Concerns from one survey respondent, mainly pertaining to an initial pre-application meeting experience early in the BRRIT's formation, acknowledged that their experience with the BRRIT improved and that the BRRIT is more open to innovating strategies to address complex permitting issues than in their initial meeting.

The concerns described above are understandable, although it is important to note that BRRIT projects are diverse and complex, and project proponents have varying levels of permitting knowledge and needs. We strive to provide the appropriate level of assistance based on the project proponent's needs. In addition, although the level of information requested by permitting agencies during the pre-application process

can seem cumbersome, detailed and complete information is necessary to adequately assess project effects, ensure compliance with each agency's policies and mandates, and issue permits/authorizations. The BRRIT requests this information during pre-application to reduce the amount of information the agencies need to request during the permitting process, thereby improving the timeliness of permit issuance. The BRRIT is reviewing draft comment letters more rigorously to ensure that agency comments are clear and concise and avoid perceived conflicts.

Because of the limited number of satisfaction survey results received to date, the BRRIT is looking for alternative ways to solicit additional feedback. The BRRIT and PMC plan to update the survey questions based on feedback received so far and include questions on the permit application process since up to this point, the satisfaction survey has focused on the pre-application process. Recognizing that some project proponents may prefer to provide feedback verbally rather than through an online survey, the SFBRA is also considering interviewing project proponents about their experience with the BRRIT.

## Challenges and Recommendations

Permitting multi-benefit restoration projects is complex and the BRRIT's primary role is to help project proponents navigate the permitting process, including identifying appropriate permitting tools. Below we identify challenges common to many projects and provide recommendations to help avoid delays in permit issuance.

### **Conflicts with Existing Utilities/Infrastructure**

Restoration projects must often consider existing utilities and infrastructure, such as buried pipelines or electrical transmission towers, during project design and planning. For example, flood protection levees must be located and designed to protect the integrity of existing utilities and infrastructure and allow for future access and maintenance. Restoration projects must also consider potential plans for future alignments of utilities, modification of existing infrastructure, and installation of new infrastructure. Where utilities, flood control districts, railroads, and other entities with easements are present, they can increase the complexity of project design, and coordination with them may result in delays to authorization and construction of restoration projects. There is an opportunity to improve the timing and quality of communication to facilitate restoration project design and construction.

**Recommendation:** BRRIT and PMC can develop procedures for more efficient and coordinated outreach to facilitate the permitting process. For example, PMC representatives can work on outreach to Pacific Gas & Electric (PG&E) to identify lead PG&E contacts and facilitate their participation in future restoration projects that may affect their existing infrastructure. This issue has been added to the Policy and Management Committee's Permit and Policy Improvement List.

## Artificial Reefs

Nature-based adaptation measures, such as artificial reefs for native oyster restoration and other living shoreline features, can result in the placement of fill material in aquatic habitat. This can conflict with existing policies that were developed with the intent of protecting and preserving Bay habitat by limiting fill placement in the Bay. The creation of artificial reefs can also cause a conflict for the California Department of Fish and Wildlife (CDFW), which is required to administer the California Artificial Reef Program to study and develop reef design, placement, and monitoring to enhance marine species and fishing opportunities. The Artificial Reef Program remains unfunded and, as a result, CDFW has been unable to develop a Statewide Artificial Reef Plan to guide policy and inform reef design and placement. In the absence of a Statewide Artificial Reef Plan, CDFW cannot support the creation of artificial reefs, which can delay permitting of these types of projects.



*Prototype of mudflat reef element for the Reef Design Innovations for Living Shorelines project.*

**Recommendation:** Initiatives are underway to address this issue. For example, BCDC's San Francisco Bay Plan was amended to allow greater amounts of fill for habitat restoration and pilot projects. Native oyster restoration pilot projects have been conducted in San Francisco Bay since the early 2000s and some long-term monitoring data are available to inform artificial reef design and placement. While the statewide effort to develop a plan is uncertain, the BRRIT can start working on an approach for artificial reefs and native oyster restoration pilot projects in San Francisco Bay, knowing that developing a San Francisco Bay approach may take time. The agencies can collaborate with scientific experts to build on lessons learned from previous pilot projects and facilitate permitting artificial reef projects based on research and guidance specific to environmental conditions and restoration goals in San Francisco Bay. This issue has been added to the PMC's Permit and Policy Improvement List.

## Other Collaborative Initiatives, Outreach, and Learning

In this reporting period, the BRRIT participated in multiple collaborations with other agency staff, outside agencies, and members of the restoration community, including:

- Providing technical assistance on EPA's Aquatic Resource Type Conversion Framework;
- Sharing permitting expertise and considerations with the Transforming Shorelines Collaborative;

- Contributing to an EPA presentation on the BRRIT for the Restore America's Estuaries Conference;
- Coordinating with the Cutting the Green Tape program to help project proponents with permit applications; and
- Engaging in the Wetland Regional Monitoring Program's (WRMP) initiatives, including the Technical Advisory Committee, the WRMP Fish and Fish Habitat (FFH) Subgroup, and the Regulatory Needs Assessment. The WRMP FFH Monitoring Guidance draft document was completed during this reporting period and represents a significant advancement toward improving regional monitoring efforts in the San Francisco Estuary by recommending standardized fish monitoring protocols and efficiencies to inform regional management questions identified in the WRMP Program Plan. The Regulatory Needs Assessment was an effort to develop recommendations for improving WRMP alignment with permit-driven monitoring requirements for wetland restoration projects.

In addition to these collaborative efforts, BRRIT members attended learning opportunities such as conferences and field visits that provided important opportunities to learn from the restoration community and to promote the benefits of the BRRIT process.

## **Policy and Management Committee**

The Policy and Management Committee (PMC) sets the BRRIT's roles and responsibilities, works with SFBRA staff on budget and governing documents, and collaborates on process and policy improvements. The PMC meets monthly with the BRRIT to discuss specific projects, provide guidance on overarching policy issues, and resolve administrative and process concerns. Members of the PMC participate in outreach to partners and restoration practitioners and provide updates to the SFBRA Oversight Committee. The PMC also participates in the Cutting the Green Tape initiative and other regional, state, and federal collaboration efforts, to share lessons learned and best practices from the BRRIT formation and implementation.

## Permit and Policy Improvements

The PMC is tasked with identifying and resolving policy issues and conflicts that may arise during project review and permitting. The PMC is also tasked with identifying overarching issues that may require procedure development, coordination and direction from management, and elevation within and amongst agencies. The PMC prioritizes policy issues based on the significance of the issue to the review process, the overall benefit to the program, the benefit to regional restoration goals, and the capacity of the BRRIT and PMC.

The Permit and Policy Improvement List (PPIL) is provided as an Appendix to the



*Area proposed for improved hydrologic connections at Bothin Marsh Evolving Shorelines Project.*

Annual Report and is updated to track progress on initiatives and accomplishments and identify new policy issues that the PMC is tracking for engagement. Between 2022 and 2023 there were a number of accomplishments and noteworthy progress made in resolving items on the PPIL. Major highlights are identified below.

## Accomplishments and Progress

The PMC and BRRIT have been represented by staff from CDFW's Bay Delta Region (Region 3). In order to integrate CDFW's Marine Region (Region 7), which covers the in-water portions of San Francisco Bay, managers from the Marine Region have joined the PMC. Also, the CDFW BRRIT representative has been integrated into CDFW Bay Delta Region's Cutting the Green Tape Team.

- **Fill for Habitat** – The PMC formed a subgroup to evaluate permitting complexities of nature-based solutions to address sea level rise, starting with ecotones and horizontal levees, and how to evaluate fill impacts. Additionally, the Water Board is evaluating the need for a Basin Plan Amendment to provide clarifying information on how to first avoid, then minimize, and lastly compensate for unavoidable impacts to aquatic habitat within the context of permitting sea level rise adaptation projects.
- **Collaboration** – The BRRIT continues to actively reach out to applicants to solicit feedback on their experience with the BRRIT and increase survey participation. The survey questions are being updated to provide more focused feedback on how the BRRIT can help applicants through the permitting process. In 2023, State Coastal Conservancy staff will begin

reaching out to project applicants for one-on-one discussions to obtain feedback on the process and experience that has been difficult to collect through the surveys.

- Develop Guidance for Project Applicants - NMFS is developing a checklist for informal consultation to facilitate an expedited consultation process for restoration projects. BCDC received a grant that will fund, in part, the development of regulatory guidance documents.
- In May 2023, EPA hosted an interagency workshop on the Aquatic Resource Type Conversion Framework for regional, state and federal agency staff and managers. Feedback from this workshop will be used to develop a more robust training program for 2024.

## Funding

The original budget for the BRRIT was \$1,250,000 per year (with annual increases for inflation) with just over \$6.5 million secured for five years. Funders are the SFBRA (\$650,000 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/Valley Water (\$200,000 per year for five 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 provides in-kind office space for the BRRIT to work and meet.

The actual expenditures for the BRRIT for the first 3.5 years from July 2019 to April 2023 totaled approximately \$3.5 million. This reduced cost for the first 3.5 years of operation is primarily due to an initial delay with executing agreements with USACE and the Water Board and reduced travel and office space expenses for the BRRIT members due to COVID-19 restrictions. Additionally, some agencies (e.g., USACE) billed less than budgeted due to most projects being in the less time intensive “pre-application” phase, and state agency staff had 9.23% salary reductions in 2020 and 2021 followed by increases in 2022 and 2023. Now that all six agencies are under agreement and salary cuts are over, the annual budget is approximately \$1,200,000.

Based on the cost savings to date, and potentially reduced annual costs going forward, there are no anticipated issues with funding the BRRIT for the planned five years. Approximately \$500,000 remains to be used for a sixth year of the BRRIT. Fundraising for five additional years is currently underway and includes applications to the Coastal Conservancy, NOAA, Valley Water, and Bay Area Toll Authority.

## Moving Forward

This is an important time for the San Francisco Bay as the restoration community and regulatory agencies work collaboratively to achieve our shared goals of restoring habitat, and equitably improving flood protection, public access, and shoreline resilience to sea level rise. As the BRRIT goes into its fifth year of facilitating permitting for multi-benefit restoration projects, the BRRIT anticipates further progress towards achieving these goals, as several more projects plan to obtain permits and start construction in the next few years. Despite ongoing challenges,

the BRRIT continues to move forward with improving the permitting process for projects aimed at protecting natural resources in a way that safeguards our communities.

## Appendix 1 Permit and Policy Improvement List

### SAN FRANCISCO BAY COORDINATED PERMITTING APPROACH Policy and Management Committee Permit and Policy Improvement List Updated August 2023

The Policy and Management Committee (PMC) is part of the coordinated permitting approach agreement, which includes the Bay Restoration Regulatory Integration Team (BRRIT), and whose responsibilities are described in an interagency memorandum of understanding. The PMC is tasked with creating a system to identify and resolve policy issues and conflicts, and to identify a process for elevating issues that require agency policy shifts.

Prioritization will be based on the following criteria:

- **Benefit to review process and overall program:** impact upon the decision-making timeline.
- **Frequency of the issue:** it is a policy issue that comes up over and over.
- **Benefits to regional restoration goals:** Does it result in projects getting in the ground faster and more efficiently?
- **Capacity of BRRIT and PMC:** can be accomplished in the next 3-4 years with projected resources and staffing.

The permit and policy improvement list describes the status of priority issues with a commitment to make progress on and implement at least one initiative annually.

1. Issues that are **being addressed** during the current calendar year (initiatives currently underway, with an anticipated completion date in 2023).
2. Issues that **will be addressed** in the next one to three years (initiatives currently underway, with an anticipated completion date that may extend beyond 2023)
3. Issues and initiatives that **require further development** (no identified initiatives underway, or initial work has begun, but will not be completed until after 2023)
4. **Accomplished**, indicates issues that have been resolved.

The list will be revised annually for items and prioritization. New items will be considered as identified by the PMC, or brought to the PMC by the BRRIT or stakeholders.

<b>POLICY ISSUE: Fill for Habitat</b>	
<b>Date initiated:</b>	<b>Priority: 2023</b>
<b>Agency and/or Legislative Fix?</b> Agency fix.	
<b>POC:</b> Sahrye Cohen, EPA	<b>Status:</b> Being Addressed
<p><b>Why is this an issue?</b> Nature-based adaptation measures, such as habitat transition zones and oyster reefs, can result in the placement of fill material in aquatic habitat. The placement of fill material can cause conflict with Bay fill policies, which can vary by agency. For example, BCDC asks projects to use the minimum fill required to achieve the project goals, while the Water Board might ask a project to build in more resilience to the transition zone. The creation of oyster reef habitat can also cause conflict for CDFW which lacks a Statewide Artificial Reef Plan. In the absence of a Statewide Plan, CDFW cannot support artificial reef projects which can delay permitting for these types of projects.</p> <ul style="list-style-type: none"> <li>• Novel restoration methods have little empirical data to support optimal design</li> <li>• Agency conflicts are challenging to resolve.</li> <li>• This is a Sand in the Gears issue.</li> </ul>	
<p><b>Initiatives:</b> BCDC’s San Francisco Bay Plan was amended to allow greater amounts of fill for habitat restoration and pilot projects. - ACCOMPLISHED</p>	
<p><b>Updates 2020 and prior:</b></p> <ul style="list-style-type: none"> <li>• July 20, 2017, BCDC approved consideration of an amendment to the San Francisco Bay Plan to allow additional fill policies for habitat projects. Water Board, EPA, and USACE representative participation is intended to facilitate crosswalk policy discussions between BCDC and these agencies, specifically Clean Water Act Section 401 and 404 permitting.</li> <li>• The Bay Plan amendment process was completed on October 3, 2019.</li> <li>• On December 27, 2019, BCDC’s San Francisco Bay Plan was amended to add policies to a variety of policy sections and allow greater amounts of fill for habitat restoration and pilot projects.</li> </ul>	
<p><b>Updates 2022:</b> Agency representatives identified for workgroup to discuss how similar impacts can be evaluated under federal regulations.</p>	
<p><b>Updates 2023:</b> EPA met with the Corps to discuss how fill impacts are evaluated under Clean Water Act Section 404.</p> <p>The Water Board adopted a non-regulatory Basin Plan Amendment on Climate Change and Aquatic Habitat Protection, Management, and Restoration to incorporate climate change information in it’s Basin Plan and provide information on how the Water Board permits dredge or fill activities associated with climate adaptation projects.</p>	

Artificial Reefs. Representatives of CDFW's Marine Region joined the PMC to work collaboratively with the State Coastal Conservancy, Water Board, and BCDC to identify interim measures to avoid permitting delays until a Statewide Plan is developed.

Fill for habitat workgroup meeting to discuss how fill impacts are evaluated for ecotone and horizontal levees.

**Initiatives:** The Water Board is evaluating the need for a Basin Plan Amendment to provide clarifying information on how to first avoid, then minimize, and lastly compensate for unavoidable impacts to aquatic habitat within a climate change context.

**Further discussion needed?**

- Coordination with the PMC would assist in creating permit review consistency.

<b>POLICY ISSUE:</b> Lack of collaborative decision-making among agencies	
<b>Date initiated:</b>	<b>Priority:</b> 2023
<b>Agency and/or Legislative Fix:</b> Agency fix.	
<b>POC:</b> Luisa Valiela, EPA	<b>Status:</b> Being addressed
<p><b>Why is this an issue?</b> Applicants tend to find the permitting process for restoration projects extremely confusing when it appears agency requirements are redundant or mutually exclusive to each other. Examples raised:</p> <ul style="list-style-type: none"> <li>• differing risk tolerances occur between different agencies.</li> <li>• differing level of design needed to acquire a permit.</li> <li>• additional requirements beyond those required by the agency that is primarily responsible for a specific resource.</li> <li>• The Sand in the Gears document touches on this at items 6, 7, and 8.</li> </ul>	
<b>Initiatives:</b> BRRIT outreach; information gathering through surveys to applicants; BRRIT internal coordination; using PMC elevation process	
<b>Updates 2020 and prior to:</b> BRRIT outreach; satisfaction surveys	
<b>Updates 2021:</b> BRRIT outreach; pre-application satisfaction surveys	
<p><b>Update 2023:</b> BRRIT and SFBRA are increasing the frequency of reminders to applicants to complete these surveys and reassessing and updating survey questions to better understand how the BRRIT can help applicants through the permitting process. SFBRA will start obtaining individual feedback from applicants</p> <p>BRRIT coordination and early feedback on public access and wildlife concerns: Greenwood Gravel Beach, Tiscornia Marsh Restoration and Sea Level Rise Adaptation Project, Palo Alto Horizontal Levee Pilot Project, Lower Walnut Creek Restoration - North Reach Public Access Improvements</p>	
<b>Further discussion needed?</b>	

<b>POLICY ISSUE: Fully Protected Species</b>	
<b>Date initiated:</b>	<b>Priority:</b>
<b>Agency and/or Legislative fix?</b> Agency fix and Legislative fix	
<b>POC:</b> Craig Weightman, CDFW	<b>Status:</b> Being addressed
<p><b>Why is this an issue?</b> For restoration projects CDFW can issue permits to take FPS under a Natural Community Conservation Plan (NCCP), for necessary scientific research, or via development of an internal MOU. CDFW is unable to issue permits to take or possess a fully protected species (FPS) as part of specified mitigation for a project, as defined in Section 21065 of the Public Resources Code.</p> <ul style="list-style-type: none"> <li>• permitting pathways are unclear for restoration projects when FPS are involved. This is a common complaint amongst the restoration community.</li> <li>• restoration projects may have long- term benefits to special-status species, but project construction and establishment can have the potential to result in significant short-term impacts and under the State Fish and Game Code CDFW may be slow or unable to issue permits for take of FPS.</li> </ul>	
<p><b>Initiatives:</b></p> <ul style="list-style-type: none"> <li>• BRRIT assisting applicants by advising avoidance of FPS with conservation measures or in instances where that would not be cost effective or timeline feasible, by identifying mechanisms that CDFW uses to issue permits to take FPS (i.e., a NCCP or MOU).</li> <li>• CDFW will work with restoration projects to ensure recovery efforts for fully protected species are included in the restoration project.</li> <li>• Legislative fix is being explored outside of BRRIT and PMC to create a more time-effective permitting pathways with more certainty under certain circumstances for restoration projects.</li> </ul>	
<p><b>Updates 2021:</b> Work with restoration projects to ensure recovery efforts for fully protected species are included in the restoration project.</p>	
<p><b>Updates 2023:</b> Under the State of California’s Cutting the Green Tape Initiative to increase the pace and scale of environmental restoration, CDFW has developed several restoration permitting tools under CDFW’s Cutting the Green Tape Program. Such tools include a Restoration Management Permit (RMP) that consolidates “take” authorizations for restoration projects under a single streamlined permit. The RMP can authorize take of CESA-listed as well as state fully protected species.</p> <p>In addition, SB-147 was approved and filed with the State on July 10, 2023 as part of the governor’s California Infrastructure Trailer Bill package. SB-147 authorizes CDFW to issue a permit under CESA to authorize take of fully protected species for certain types of infrastructure projects with mitigation. Note that the list of project types included in the trailer bill does not include restoration projects.</p>	

**Updates 2023:** Peggy McNutt to initiate legislative fix. Peggy M. will remain engaged with the PMC to request additional information as needed or to provide updates.

**Further discussion needed?** The PMC and EPA will follow up with Resources Legacy Fund to determine the status of their legislative efforts.

<b>POLICY ISSUE: Develop Guidance for Project Applicants</b>	
<b>Date initiated:</b>	<b>Priority:</b> 2023, continuous
<b>Agency and/or Legislative Fix?</b> Agency fix.	
<b>POC:</b> Jana Affonso, USFWS	<b>Status:</b> Being addressed
<p><b>Why is this an issue?</b> Restoration projects often have similar issues and, while knowledge may reside in particular project proponents or consultants, many applicants tend to become confused by the numerous information, data, and mapping requirements of federal and state regulatory and wildlife agencies.</p> <ul style="list-style-type: none"> <li>This issue can result in time-consuming delays.</li> </ul>	
<p><b>Initiatives:</b> There is an opportunity to facilitate project development and permitting by providing FAQs and other guidance, such as typically approved management practices and conservation measures.</p>	
<p><b>Updates 2020 and prior:</b></p> <ul style="list-style-type: none"> <li>Create resources and tools for applicants that could include a recommended checklist of items and information needed for a complete application.</li> <li>Create FAQs and a flow chart.</li> </ul>	
<p><b>Updates 2021:</b></p> <ul style="list-style-type: none"> <li>Created resources and tools for applicants that could include a recommended checklist of items and information needed for a complete application.</li> <li>Provided a link to the USFWS’s Environmental Conservation Online System (ECOS) to view example Biological Opinions or to construct a Biological Assessment through the Consultation Package Builder. General avoidance and minimization measures can be obtained through these example BiOps.</li> <li>Reorganized BRRIT website to provide more clarity on the permitting process and how the BRRIT can help. The website now includes tabs for BRRIT Process, BRRIT Projects, BRRIT Eligibility, Resources and Tools, Policy and Management Committee, and FAQs.</li> <li>Added, under the BRRIT Process tab, a flow chart explaining the pre-application process.</li> </ul>	
<p><b>Updates 2022:</b></p> <ul style="list-style-type: none"> <li>More items were added under the Resources and Tools tab on the BRRIT website, including the “Permit application checklist”, “Helpful Links”, and a link to “Box” website for delivering large files to the BRRIT. Some examples of “Helpful Links” include links to regulatory overview websites for each agency, streamlined permitting tools, relevant recovery plans, sea level rise guidance, and the WRMP.</li> </ul>	

- NMFS is developing a checklist for expedited informal consultation that will be available for regional use in SF Bay Area.

**Updates 2023:**

- **BCDC Permitting for a Resilient Shoreline.** BCDC is working to make improvements to its regulatory program as part of its overall efforts to implement the Bay Adapt Joint Platform. [Action 7](#) of the Joint Platform called for refining and accelerating regulatory approvals for resilient shoreline adaptation projects that align with regional goals. The effort includes work to: make BCDC permitting faster and more efficient, make the BCDC regulatory program easier to navigate, accelerate effective nature-based adaptation, work together with regulatory partners, and consider the role of BCDC's regulatory program in achieving desired adaptation outcomes. This effort is funded by a grant from the State Coastal Conservancy.
- BCDC is also receiving assistance to improve its regulatory program from the CA Department of Finance, through its Mission-Based Review (MBR) process. The goal of MBRs is to improve governmental programs through: analyzing the key requirements that drive the program's core mission; prioritizing limited resources to get the biggest return on investment; streamlining or eliminating functions within the program(s) that are not needed to support the core mission; and analyzing regional approaches to program delivery to eliminate or minimize disparities in staffing, standards, and levels of service. This will be an approximately 6-month process, which started in mid-2023.

**Further discussion needed?**

- Guidance documents can be shared publicly as they are available.

<b>POLICY ISSUE: Monitoring</b>	
<b>Date initiated:</b> 2020	<b>Priority:</b> 2023
<b>Agency and/or Legislative Fix?</b> Agency fix.	
<b>POC:</b> Keith Lichten, Water Board development	<b>Status:</b> Requires further
<p><b>Why is this an issue?</b> Monitoring requirements can be a significant project cost and associated funding can be difficult to obtain, as some grants may not fund or may limit expenditures for monitoring. Regionally relevant monitoring that advances tidal wetland restoration does not fully address site-specific monitoring needs, which can increase the overall monitoring burden for applicants. Scientifically robust and meaningful monitoring is expensive and may be deprioritized when compared to the project proponent’s primary goal of enhancing habitat conditions. Monitoring costs are an expense for multi-benefit restoration projects and nature-based solutions that traditional grey infrastructure projects do not have to bear.</p> <ul style="list-style-type: none"> <li>• Monitoring is challenging to fund, and therefore project proponents can support limiting mandated monitoring requirements to the minimum required for the regulatory agencies to ascertain their regulations are being followed.</li> <li>• Project proponents are typically unable to sustain significant monitoring programs on their own.</li> <li>• Individual projects are not necessarily well positioned to answer broader landscape-scale questions, such as those about specific species and habitats. Those broader questions are better considered through a regional monitoring program or similar arrangement.</li> <li>• Uncertainty associated with climate change and sediment availability exacerbates the challenges of evaluating project success, and site-specific monitoring can be at too small a scale to capture this issue.</li> <li>• This is a Sand in the Gears issue.</li> </ul>	
<p><b>Initiatives:</b></p> <ul style="list-style-type: none"> <li>• The Wetlands Regional Monitoring Project (<b>WRMP</b>) will develop a regional-scale monitoring program to evaluate wetland restoration project success and inform science-based decision-making. NMFS is working collaboratively to advance the fish monitoring component of this program. <a href="https://www.wrmp.org/">https://www.wrmp.org/</a></li> <li>• Wetland Habitat Assessment Team (<b>WHAT</b>). BCDC’s internal habitat and restoration science and policy working group evaluates projects and monitoring reports and seeks regulatory program improvements.</li> </ul>	
<p><b>Updates 2020 and prior:</b> The San Francisco Estuary Partnership developed a tidal wetland regional monitoring plan for the Bay Area that will help local, regional, state, and federal authorities evaluate the effectiveness of efforts to sustain healthy aquatic habitats and resources. Using an EPA grant and stakeholder input, the plan was completed in April 2020.</p>	

**Updates 2021:** SFEP continued to develop an implementation plan that describes a funding and governance structure, and a data management plan. SFEP hosted two agency-focused workshops to introduce the WRMP to regional, state, and federal agencies. Additional workshops in 2021 included the restoration practitioner and planning communities.

**Updates 2022:** UC Davis, NMFS, and the Water Board launched the WRMP Fish and Fish Habitat Workgroups (FFH) Workgroup in 2021 to develop fish and fish habitat monitoring recommendations and standard operating procedures (SOPs) for wetlands in the greater SF Bay region. The FFH includes participation from multiple agencies and stakeholders and anticipates completion of initial Draft Recommendations in spring of 2022.

**Updates 2023:** The WRMP FFH Workgroup finished the draft monitoring recommendations and SOPs. The WRMP approved the Site Monitoring Network.

Agencies discussed the general information needed from applicants in order to determine if permits are needed for installation of monitoring equipment on a case-by-case basis.

**Further discussion needed?**

<b>POLICY ISSUE: Wetland Habitat Type Conversion</b>	
<b>Date initiated:</b> 2020	<b>Priority:</b>
<b>Agency and/or Legislative Fix?</b> Agency fix.	
<b>POC:</b> Jen Siu, EPA	<b>Status:</b> ACCOMPLISHED
<p><b>Why is this an issue?</b> To accomplish regional wetland restoration goals, it is necessary to convert one type of wetland habitat to another. For example, currently diked baylands or seasonal wetlands may be converted to tidal baylands.</p> <ul style="list-style-type: none"> <li>• When wetland-to-wetland conversion occurs in the process of restoring a site, some permitting agencies require compensatory mitigation while other agencies do not.</li> <li>• There are inconsistent approaches as regulators analyze projects and make mitigation decisions.</li> <li>• Regulatory decisions need to be supported by robust technical frameworks to avoid additional project costs, lack of regulatory certainty, conflicting requirements, and project delays.</li> </ul>	
<p><b>Initiatives:</b> A multi-agency project is underway to develop a science-based framework for assessing habitat type conversion actions in the SF Bay Region and elsewhere. This framework would facilitate consistent and more transparent decision making. EPA/Corps are leading the effort with funding and staff while the other agencies are providing staff time. The PMC’s goal was to use this effort to agree on a common decision-making approach by the end of 2019.</p>	
<p><b>Updates 2020 and prior:</b> The final framework was distributed to agency partners on February 14, 2020. Pilot implementation of the final framework was planned for a project under the BRRIT’s purview in 2020.</p>	
<p><b>Updates 2021:</b> Pilot Project Conducted; Tool revisions based on pilot</p>	
<p><b>Updates 2022:</b> Aquatic Resource Type Conversion Evaluation Framework v.2 finalized and published.  <a href="http://ftp.sccwrp.org/pub/download/DOCUMENTS/TechnicalReports/1110_ConversionFramework.pdf">http://ftp.sccwrp.org/pub/download/DOCUMENTS/TechnicalReports/1110_ConversionFramework.pdf</a></p>	
<b>Date initiated:</b> 2022	<b>Priority:</b>
<b>Agency and/or Legislative Fix?</b> Agency fix.	
<b>POC:</b> Jen Siu, EPA	<b>Status:</b> Being Addressed
<p><b>Initiatives:</b> Outreach, Adoption, and Implementation of the Aquatic Resources Type Conversion Framework.</p>	

**Updates 2022:** Presentation at Joint Aquatic Science Meeting.

**Updates 2023:** Outreach, adoption, and implementation

- On May 16, 2023 EPA hosted a Workshop for regional, state, and federal agencies introducing the Aquatic Resources Type Conversion Framework
- Published article in April 2023 in Society of Wetland Scientists *Wetland Science & Practice*

- **Further discussion needed?** Outreach, Implementation, and Adoption planning. Additional peer review from Corps/ERDC.

<b>POLICY ISSUE:</b> Siting Public access within multi-benefit habitat restoration projects	
<b>Date initiated:</b>	<b>Priority:</b>
<b>Agency and/or Legislative Fix?</b> Agency	
<b>POC:</b> Steve Goldbeck, BCDC development	<b>Status:</b> Requires further
<b>Why is this an issue?</b> BCDC is the only regulatory resource agency that includes public access requirements in its permits. Other agencies may require minimization of public access to protect habitat value. These potentially conflicting mandates create uncertainty for project applicants in designing a permissible restoration project and can result in project design delays.	
<b>Initiatives:</b> In 2012 BCDC amended the Bay Plan Public Access policies.	
<b>Update 2023:</b> The BRRIT has been successfully working among the member agencies and with applicants to reduce potential impacts from public access through appropriate siting, design, and management of public access areas and improvements. Examples include siting trails in appropriate areas to minimize wildlife impacts, using appropriate signage, implementing seasonal trail closures near sensitive areas, using “screening” vegetation to limit noise and visual impacts, and measures to avoid or minimize addition of predator perches when new structures are proposed. Example projects for which these measures will be used (all of which are currently in application or pre-application phase as of 8/9/2023) include: Greenwood Gravel Beach, Tiscornia Marsh Restoration and Sea Level Rise Adaptation Project, Palo Alto Horizontal Levee Pilot Project, and Pacheco Marsh Public Access Improvements Project.	
<b>Further discussion needed?</b> Coordination between PMC members needed to research current reports, science, and recreation trends and coordinate with the agency point of contact to discuss potential solutions in order to assist BCDC in their approach to amending the Bay Plan to update its public access policies regarding wildlife.	

<b>POLICY ISSUE:</b> Upland Alternatives to Fill for Habitat	
<b>Date initiated:</b>	<b>Priority:</b>
<b>Agency and/or Legislative Fix?</b> Agency	
<b>POC:</b> Keith Lichten, Water Board development	<b>Status:</b> Requires further

**Why is this an issue?**

Do we always have to fill the Bay to create habitat? What are the instances when we want to consider Bay-adjacent uplands as part of that equation, and how?

Both federal and state regulations require consideration of upland fill before consideration of bay fill.

**Initiatives:** Improve coordination with the Corps/EPA/Water Board on alternatives for 404(b)(1) analysis.

**Further discussion needed?**

<b>POLICY ISSUE:</b> Protecting Single Species in the Context of Larger, Holistic Restoration Goals	
<b>Date initiated:</b>	<b>Priority:</b>
<b>Agency and/or Legislative Fix?</b> Agency	
<b>POC:</b> Jana Affonso, USFWS	<b>Status:</b> Requires further development
<p><b>Why is this an issue?</b> Legal requirements for a single protected species can preclude actions that are deemed beneficial to the larger system by all other agencies. Examples:</p> <ul style="list-style-type: none"> <li>• Snowy Plover habitat needs can preclude tidal restoration in certain areas, and concerns over fish entrapment can prevent certain types and locations of habitat connectivity.</li> <li>• In an urban estuary, multi-objective projects intended to achieve a balance between a range of habitat improvements for individual special-status species and a wide range of general habitat enhancements over a broad area may require some trade-offs.</li> </ul>	
<b>Initiatives:</b>	
<b>Further discussion needed?</b>	

<b>POLICY ISSUE:</b> Short-term impacts of wetland restoration activities vs. long-term benefits of the overall wetland restoration	
<b>Date initiated:</b> 2023	<b>Priority:</b> 2023
<b>Agency or Legislative Fix?</b> Agency	
<b>POC:</b> EPA	<b>Status:</b> Requires further development
<p><b>Why is this an issue?</b> Agencies necessarily and appropriately require careful analysis and disclosure of construction impacts and even short-term habitat losses that must be weighed against the magnitude, timing, and certainty of long-term benefits. Arguably, however, it is inefficient to treat the short-term impacts from implementing a voluntary restoration project in the same way as a project that would not bring the same significant long-term benefits. This is particularly true for noise- and other short-term disturbance effects (less so for actual habitat changes like excavating a channel through the marsh to connect the slough with a pond interior).</p>	
<p><b>Initiatives:</b> The USFWS and NMFS's guidance is to incorporate measures into project descriptions to avoid and minimize short-term impacts as much as possible while recognizing the value of long-term benefits and encouraging proven, demonstrated restoration methods that benefit listed species.</p> <p>Add EPA language</p>	
<p><b>Updates 2021 thru 2023:</b> The USFWS and NMFS worked with applicants in pre-application meetings to front-load avoidance and minimization measures into project descriptions and subsequently incorporated the benefits of restoration into Section 7 consultation documents.</p>	

**Further discussion needed?**

**POLICY ISSUE:** Improving Coordination with non-agency stakeholders.

**Date initiated:**

**Priority:**

**POC:** Keith L.

**Status:** Requires further development

**Why is this an issue?** Where utilities, flood control districts, railroads, and other entities with easements are present, they can increase the complexity of project design, and coordination with them may result in delays to project authorization and construction. There is an opportunity to improve the timing and quality of communication to facilitate restoration project design and construction.

**Initiatives:** BRRIT member agencies could develop procedures for more efficient and coordinated outreach to benefit permitting process.

PMC representatives will work on outreach to PG&E to identify lead PG&E contacts and facilitate their participation in future restoration project designs, authorization, and implementation. This could be, for example, by identifying a role for them in the pre-application process for affected projects. For example, on the Tiscornia Marsh Restoration and Sea Level Rise Adaptation Project, BRRIT members organized a meeting with PG&E and the applicant to successfully resolve a complicated issue related to proposed levee lowering, which would impact PG&E's ability to access its towers for maintenance.

**Further discussion needed?**

**POLICY ISSUE:** General Programmatic Efforts (E.g., Programmatic permits/guidance for applicants regarding piling removal).

**Date initiated:**

**Priority:** 2023, continuous

**Agency and/or Legislative Fix?** Agency fix.

**POC:** Jana Affonso, USFWS  
Partially accomplished

**Status:** Requires further development;

**Why is this an issue?** Programmatic approaches to permitting can enable a shorter permitting timeline for certain types of actions, but must be weighed against the time and effort to initially establish the programmatic approach

**Initiatives/Potential Initiatives:**

- Potential utilization/adoption of State of Washington's guidelines for pile removal
- NMFS and USFWS Programmatic Biological Opinions for restoration projects
- Potential RGP for living shoreline projects.

**Updates 2022:** The USFWS' Programmatic Biological and Conference Opinion on the California Statewide Programmatic Restoration Effort (Restoration PBO) was completed. State Water Board State-Wide Restoration General Order (SRGO; August 2022)

**Updates 2023:** The USFWS appended the Palo Alto Horizontal Levee Pilot Project to the Restoration PBO.

Identify projects that are on the BRRIT list and also part of larger statewide efforts Restoration PBO, SRGO, CDFW Cutting the Green Tape's Restoration Management Permit, etc). Evaluate how those state-wide initiatives interact with the BRRIT process in general.

NMFS is planning to initiate a restoration programmatic for SF Bay in 2023.

**Further discussion needed?**

<b>POLICY ISSUE:</b> Elevation and Resolution of Issues	
<b>Date initiated:</b> 2019	<b>Status:</b> Completed 2020
<b>Agency and/or Legislative Fix?</b> Agency	
<b>POC:</b> N/A	<b>Status:</b> <b>ACCOMPLISHED</b>
An agreed-upon process for resolving issues elevated to the PMC from the BRRIT. The elevation process considers each agency's law, policies, and authority with a decision-making process prior to elevating issues.	

<b>TOPICS FOR FUTURE DISCUSSION</b>	
Outreach to tribal communities and environmental justice communities for BRRIT projects	
Restoring Watershed to Bay Connection to Improve Sediment Supply to Baylands	
Advanced Mitigation for Restoration Projects and Shoreline Planning	