Encouraging Conservation on Private Lands Through Permit Coordination

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October 7, 2004
2004 California Invasive Plant Council Symposium
Ventura, California
Outline

1) Who is Sustainable Conservation?
2) What is Permit Coordination?
3) What is the Northwestern San Diego County Permit Coordination Program?
4) What Drives Successful Permit Coordination?
5) Conclusions
Sustainable Conservation

- 501(3)(c) Non-Profit Organization
- Founded in 1992
- FY 2004 Budget $2 million
- 19 Employees
- Use innovative partnerships to promote voluntary conservation by private business

Collaborative, Pragmatic, Problem Solving Partnerships

Private Sector

Public Sector

Non-Profit Sector
The Problem – Barriers to Restoration on Private Lands

Private landowners face several obstacles and disincentives when completing restoration work in sensitive resource areas – the most overwhelming being *the time, cost, and complexity of regulatory review*.
Private Landowner Perspective of Regulatory Review

- U.S. Army Corps of Engineers
- U.S. Fish & Wildlife Service
- California Department of Fish and Game
- NOAA Fisheries
- U.S. Environmental Protection Agency
- County & City Ordinances
- California Coastal Commission
- Regional Water Quality Control Board
- CEQA
Federal Permits That May Be Required for Restoration

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<tr>
<th>Agency</th>
<th>Mandate</th>
<th>Permit</th>
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<tbody>
<tr>
<td>U.S. Fish &amp; Wildlife Service</td>
<td>- Endangered Species Act, Section 7 or 10&lt;br&gt;- Migratory Bird Act</td>
<td>✓ Biological Opinion &amp; Incidental Take Statement&lt;br&gt;✓ Safe Harbor Agreement</td>
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<tr>
<td>NOAA Fisheries</td>
<td>- Endangered Species Act&lt;br&gt;- Magnusson-Stevens Fisheries Conservation and Management Act</td>
<td>✓ Biological Opinion &amp; Incidental Take Statement</td>
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<tr>
<td>U.S. Army Corps of Engineers</td>
<td>- Clean Water Act, Section 404</td>
<td>✓ Nationwide Permit&lt;br&gt;✓ Regional Permit&lt;br&gt;✓ Individual Permit</td>
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## State and Local Permits That May Be Required for Restoration

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| Department of Fish & Game           | ▪ California Fish & Game Code, Section 1602  
▪ California Environmental Protection Act                                                                                      | ✓ Lake and Streambed Alteration Agreement   |
| Regional Water Quality Control Board| ▪ Clean Water Act, Section 401  
▪ California Porter-Cologne Act                                                                                                 | ✓ 401 Certification  
✓ Waste Discharge Requirements                                                 |
| Coastal Commission                  | ▪ California Coastal Act                                                                                                              | ✓ Coastal Development Permit                |
| County/City/Fire agencies           | ▪ Grading, erosion control, stormwater, wetlands, habitat, fire, & cultural resources ordinances  
▪ California Environmental Quality Act (CEQA)                                                                                     | ✓ Grading permit  
✓ Stormwater permit  
✓ Habitat loss permit  
✓ CEQA compliance or exemption                                                   |
The Permit Coordination Solution

- Covers installation and maintenance of small, net environmentally-beneficial conservation practices
- Relies on partnership between Sustainable Conservation, Natural Resources Conservation Service, and Resource Conservation Districts
- Founded on programmatic permits ("blanket", "umbrella") from regulatory agencies for a pre-approved list of practices
- Started in Elkhorn Slough in 1998
Permit Coordination Program Goals

1) Simplifies permitting to encourage private landowners to undertake more voluntary restoration work.

2) Maintain integrity of regulatory agency mandates.

3) Drive wider application of Federal funds in sensitive areas.

4) Leverage local partners expertise and landowner relationships.

5) Proactively advances the economic and environmental sustainability of private lands.
Elements of Programmatic Permitting

- Cooperatively-developed programmatic approvals between the NRCS/RCD and agencies – takes ~ 2 years
- Approvals cover specific geographic area and list of proven conservation practices
- Special conditions established by each agency to protect sensitive resources from impacts of practice installation
- Early involvement of community via Environmental Forum
- Permits finalized in advance allow landowners working with NRCS/RCD to work without seeking individual permits
- Once established, 25 to 50 restoration projects are anticipated over 5-year period
Conservation Practices

- Type of practices – vegetative or structural
- Used for erosion and sediment control, water collection and reuse, habitat restoration, & wildfire prevention
- Examples include tail water recovery, invasives removal, native plantings, streambank stabilization, outlet repair
- Practice size - ave: ~1000 ft² disturbance, ~1 acre

Smaller, beneficial practices that landowners are willing to implement, but have not because of permitting concerns.
How the Program Works for Agencies

- Agencies assist in program design through development of protective conditions
- One-time review and fee assessment rather than repeated review of similar projects
- Site-specific information provided via pre-project notification to verify compatibility with permits
- NRCS/RCD provide inspection and reporting
How the Program Works for Landowners

- Landowner requests technical and/or cost share assistance from NRCS/RCD
- NRCS/RCD identifies eligible applicants and creates a Conservation Plan
- Landowner signs Cooperator Agreement with NRCS/RCD agreeing to conditions of program
- Projects covered by programmatic approvals require no individual permit applications or fees
- Landowner implements practices
- NRCS/RCD permitted on site for inspection
Permit Coordination Easier for Everyone

SusCon NRCS/RCD

Programmatic Permits

Regulatory Agencies

NRCS & RCD

Approved Conservation Plan

Project Implementation
Success Brings Expansion

21 projects statewide in 2004

Now in place in 5 areas; under development in 4 more
Bringing the Program to Northwestern San Diego County

- Significant resource challenges and complex regulations make permitting an obstacle for private restoration efforts
- Focus on private lands in Mission RCD service area
- San Luis Rey and Santa Margarita watersheds
- Refine model to focus on arid conditions, invasive plants, and wildfire
- Restoration work to begin in Summer 2006
What Conditions Support Successful Permit Coordination?

- Experienced and committed on-the-ground partners
- High quality watershed planning has identified priority resource issues
- Erosion and native habitat degradation concerns
- Practices needed to improve resources are scale & type suitable for blanket approval
- **Permits are a significant obstacle for landowners**
- Agency buy in – Are they funding similar efforts and/or have they used programmatic approvals in the past?
- Landowner community interested in proactive work
- Available funding for conservation projects
What Are Some Common Challenges for Permit Coordination?

- Agencies less inclined to pursue programmatic approval
  - Seeking more site-specific information to protect from liability (especially local governments)
- Generally must consult on all listed species in program area
- CEQA and ESA can be complicated!
- Staff turn over at regulatory agencies
- Cost and time for development – Is it worth it?
Tips for Successful Permit Coordination

1) Research challenges and regulatory climate to determine if permit coordination will help.

2) Assess landowner willingness to participate early.

3) Confirm funding is available for program and future project installation and maintenance.

4) Include only smaller proven conservation practices.

5) Consider other limitations (geographic, land ownership, practice type) – complexity and unknowns bad match for programmatic approach.
Tips for Successful Permit Coordination

6) Obtain strong local partner to administer program – provider of Federal “nexus”.

7) Bring agencies, environmental groups, and community into discussion early.

8) Ensure strong knowledge of permitting and CEQA process.

9) Consider using templates to aid streamlining.

10) Be persistent and patient at the same time!
Conclusion - Boost for Landowners

- Proven approach applicable to a wide array of restoration efforts
- Low hanging fruit (easiest conservation work) is largely gone
- Provides incentive to help drive needed work by new landowners in new areas
- Improves access to wealth of resources on private lands

**INCENTIVES**

- Permits already obtained
- Permit fees covered
- Work with trusted partners
- Free project planning
- Access to cost-share for projects
- Peer pressure
- Get ahead of regulations