



# Sustainable Conservation

---

## **Encouraging Conservation on Private Lands Through Permit Coordination**

*Mike Gerel  
Project Manager*

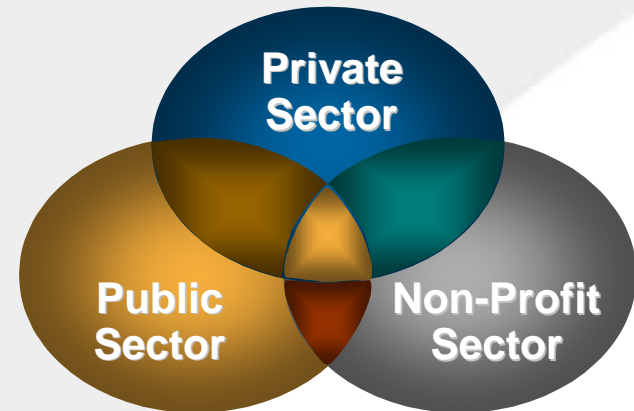
*October 7, 2004  
2004 California Invasive Plant Council Symposium  
Ventura, California*

# 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**



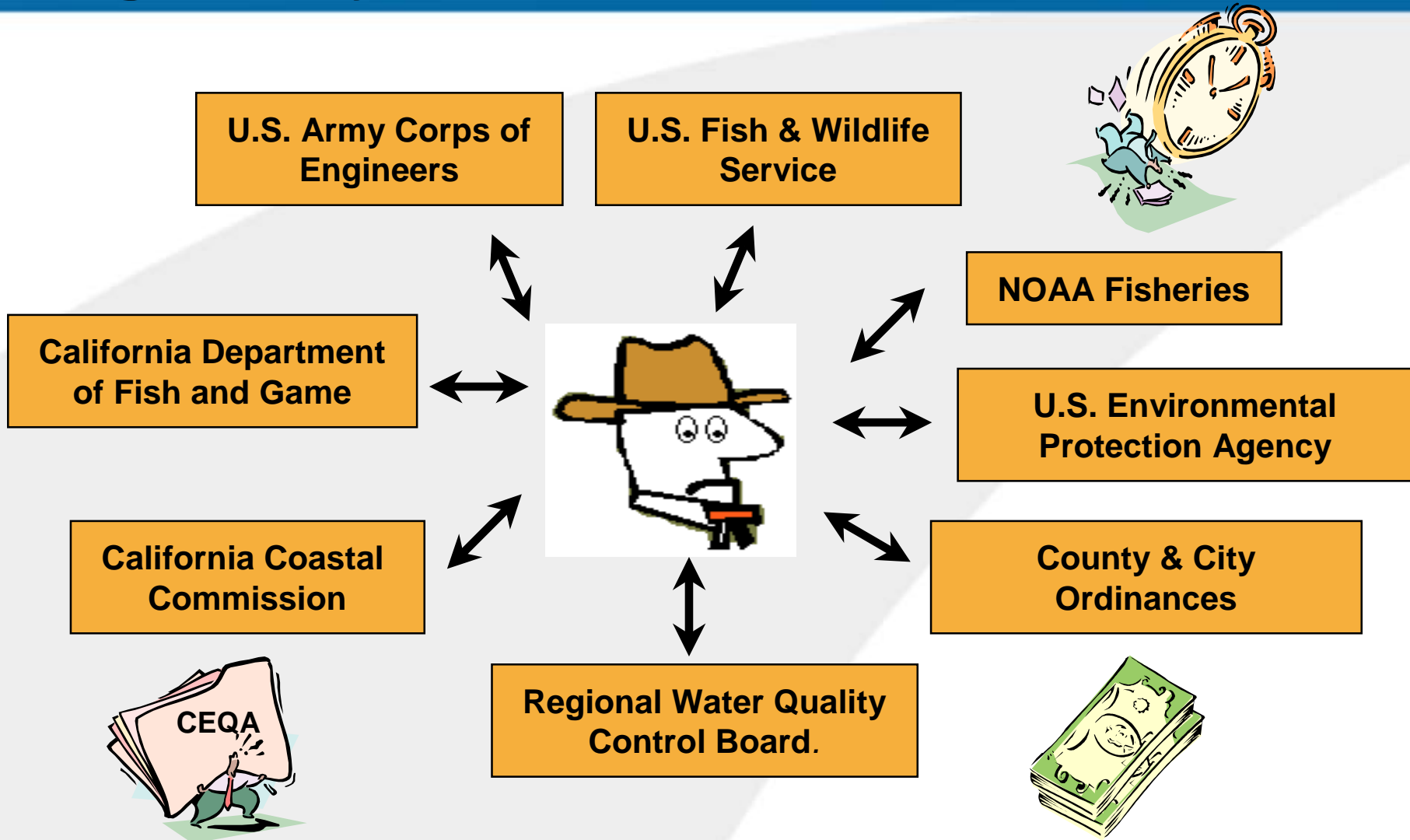
**Collaborative, Pragmatic,  
Problem Solving Partnerships**

# 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



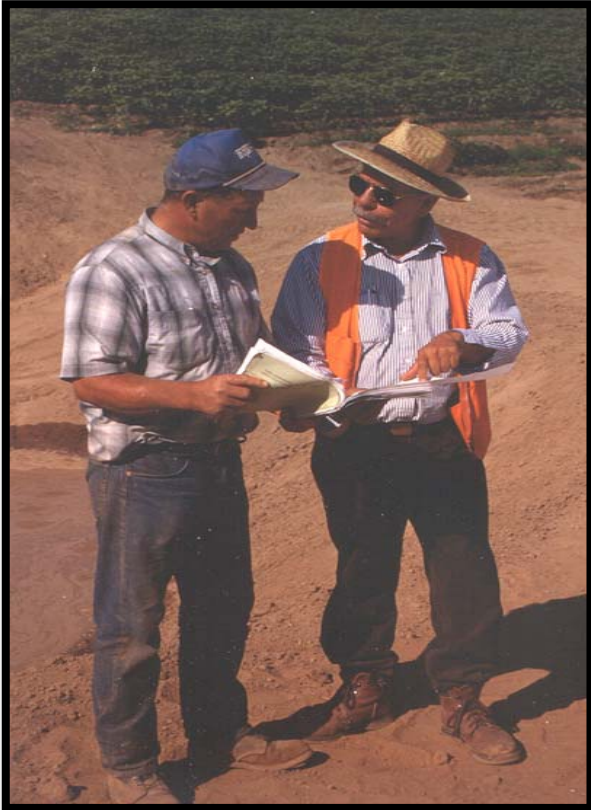
# Federal Permits That May Be Required for Restoration

Agency	Mandate	Permit
U.S. Fish & Wildlife Service	<ul style="list-style-type: none"><li>▪ Endangered Species Act, Section 7 or 10</li><li>▪ Migratory Bird Act</li></ul>	<ul style="list-style-type: none"><li>✓ Biological Opinion &amp; Incidental Take Statement</li><li>✓ Safe Harbor Agreement</li></ul>
NOAA Fisheries	<ul style="list-style-type: none"><li>▪ Endangered Species Act</li><li>▪ Magnusson-Stevens Fisheries Conservation and Management Act</li></ul>	<ul style="list-style-type: none"><li>✓ Biological Opinion &amp; Incidental Take Statement</li></ul>
U.S. Army Corps of Engineers	<ul style="list-style-type: none"><li>▪ Clean Water Act, Section 404</li></ul>	<ul style="list-style-type: none"><li>✓ Nationwide Permit</li><li>✓ Regional Permit</li><li>✓ Individual Permit</li></ul>

# State and Local Permits That May Be Required for Restoration

Agency	Mandate	Permit
Department of Fish & Game	<ul style="list-style-type: none"> <li>California Fish &amp; Game Code, Section 1602</li> <li>California Environmental Protection Act</li> </ul>	<ul style="list-style-type: none"> <li>✓ Lake and Streambed Alteration Agreement</li> </ul>
Regional Water Quality Control Board	<ul style="list-style-type: none"> <li>Clean Water Act, Section 401</li> <li>California Porter-Cologne Act</li> </ul>	<ul style="list-style-type: none"> <li>✓ 401 Certification</li> <li>✓ Waste Discharge Requirements</li> </ul>
Coastal Commission	<ul style="list-style-type: none"> <li>California Coastal Act</li> </ul>	<ul style="list-style-type: none"> <li>✓ Coastal Development Permit</li> </ul>
County/City/Fire agencies	<ul style="list-style-type: none"> <li>Grading, erosion control, stormwater, wetlands, habitat, fire, &amp; cultural resources ordinances</li> <li>California Environmental Quality Act (CEQA)</li> </ul>	<ul style="list-style-type: none"> <li>✓ Grading permit</li> <li>✓ Stormwater permit</li> <li>✓ Habitat loss permit</li> <li>✓ CEQA compliance or exemption</li> </ul>

# 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 ft<sup>2</sup> disturbance, ~1 acre

*Smaller, beneficial practices that landowners are willing to implement, but have not because of permitting concerns.*

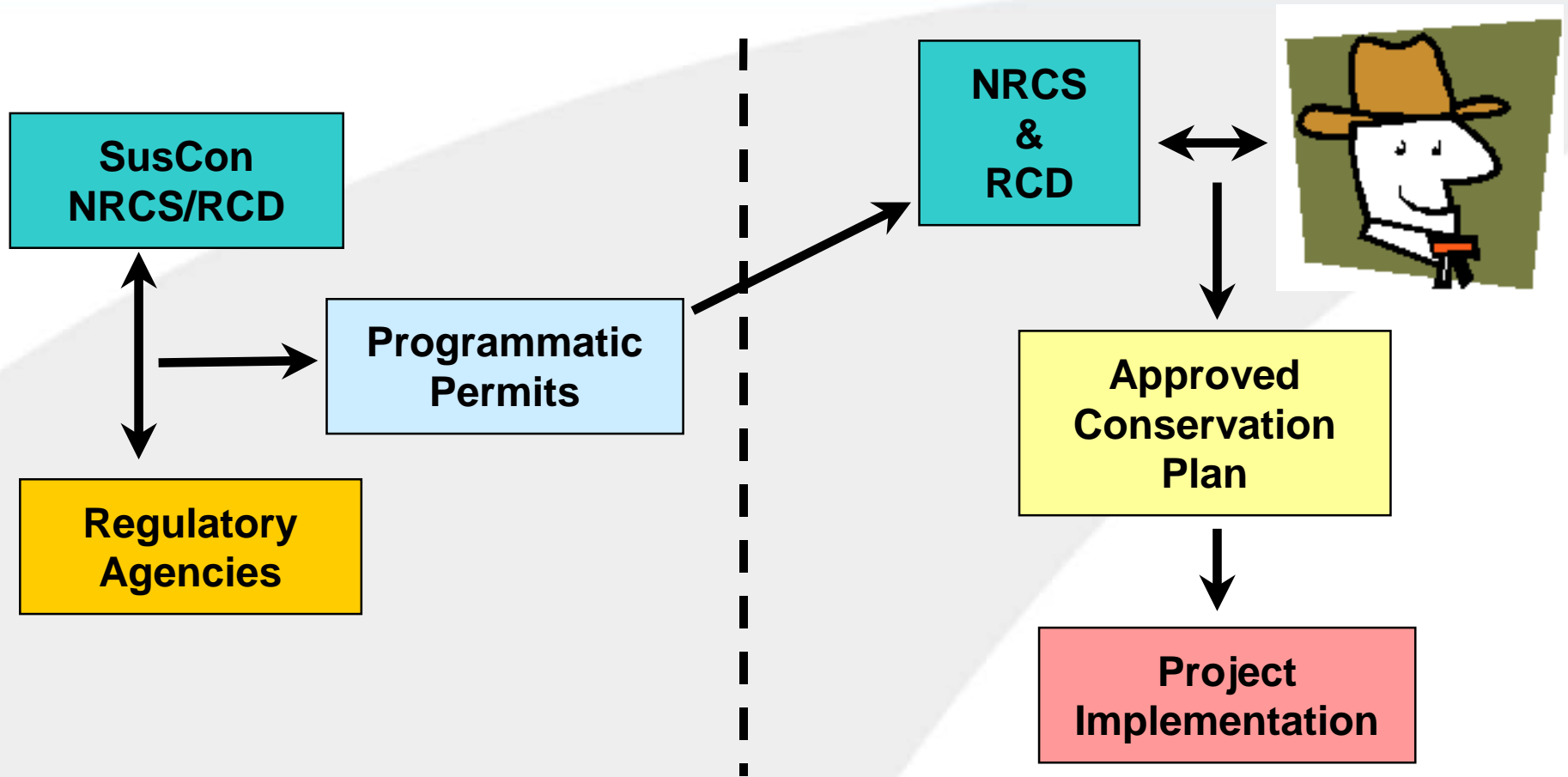
# How the Program Works for Agencies

- **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

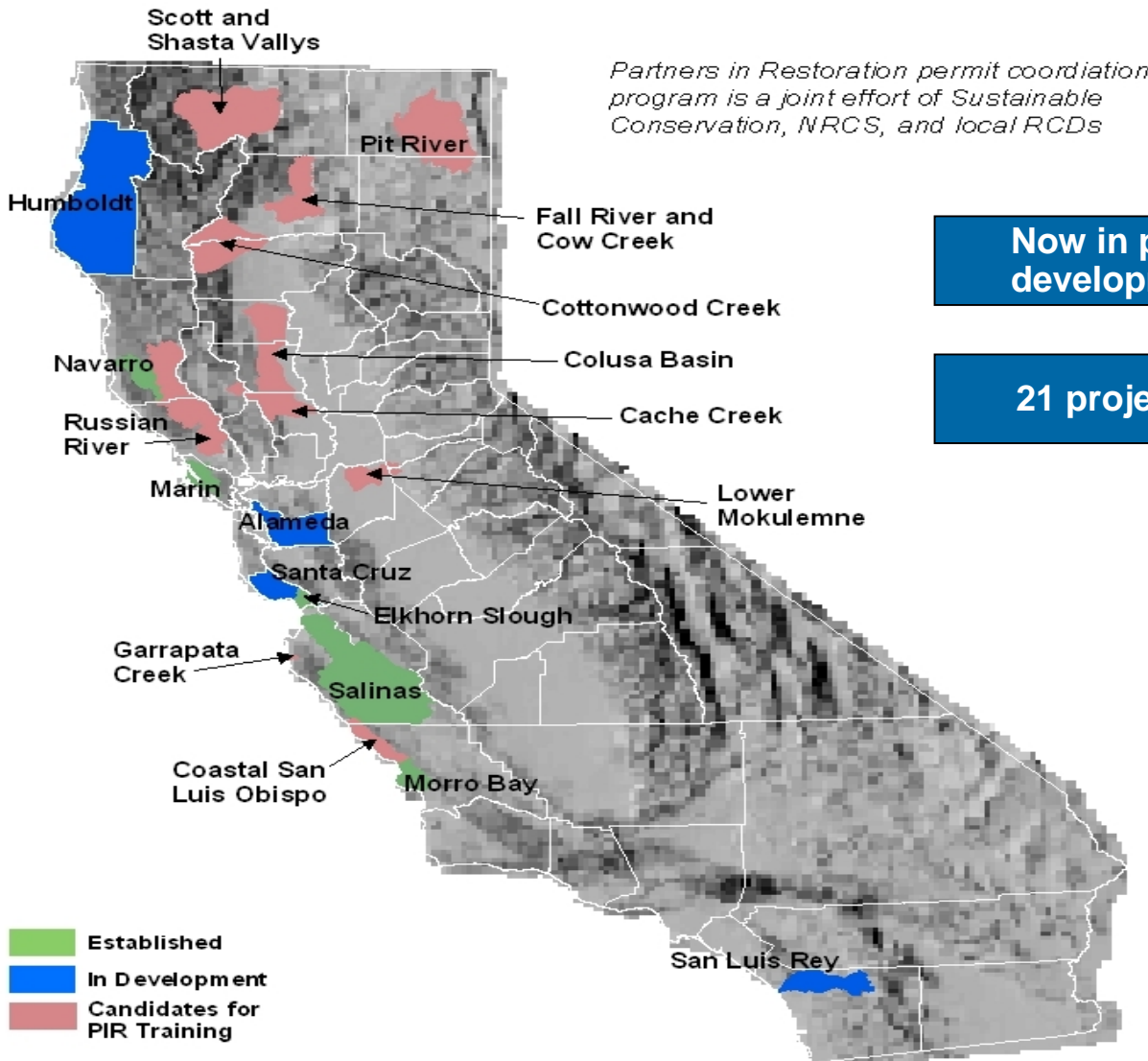
- **Landowner requests technical and/or cost share assistance from NRCS/RCD**
- **NRCS/RCD identifies eligible applicants and creates a Conservation Plan**
- **Landowner signs Cooperator Agreement with NRCS/RCD agreeing to conditions of program**
- **Projects covered by programmatic approvals require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

# Permit Coordination Easier for Everyone



# Success Brings Expansion

## Partners in Restoration in California



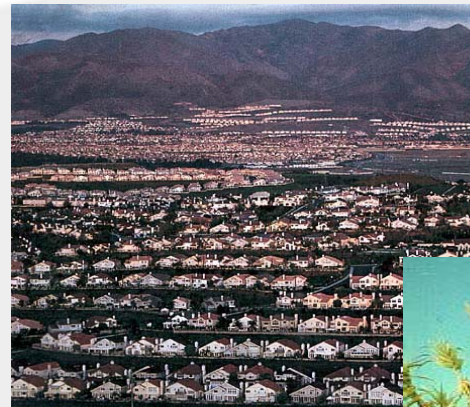
*Partners in Restoration permit coordination program is a joint effort of Sustainable Conservation, NRCS, and local RCDs*

**Now in place in 5 areas; under development in 4 more**

**21 projects statewide in 2004**

# 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

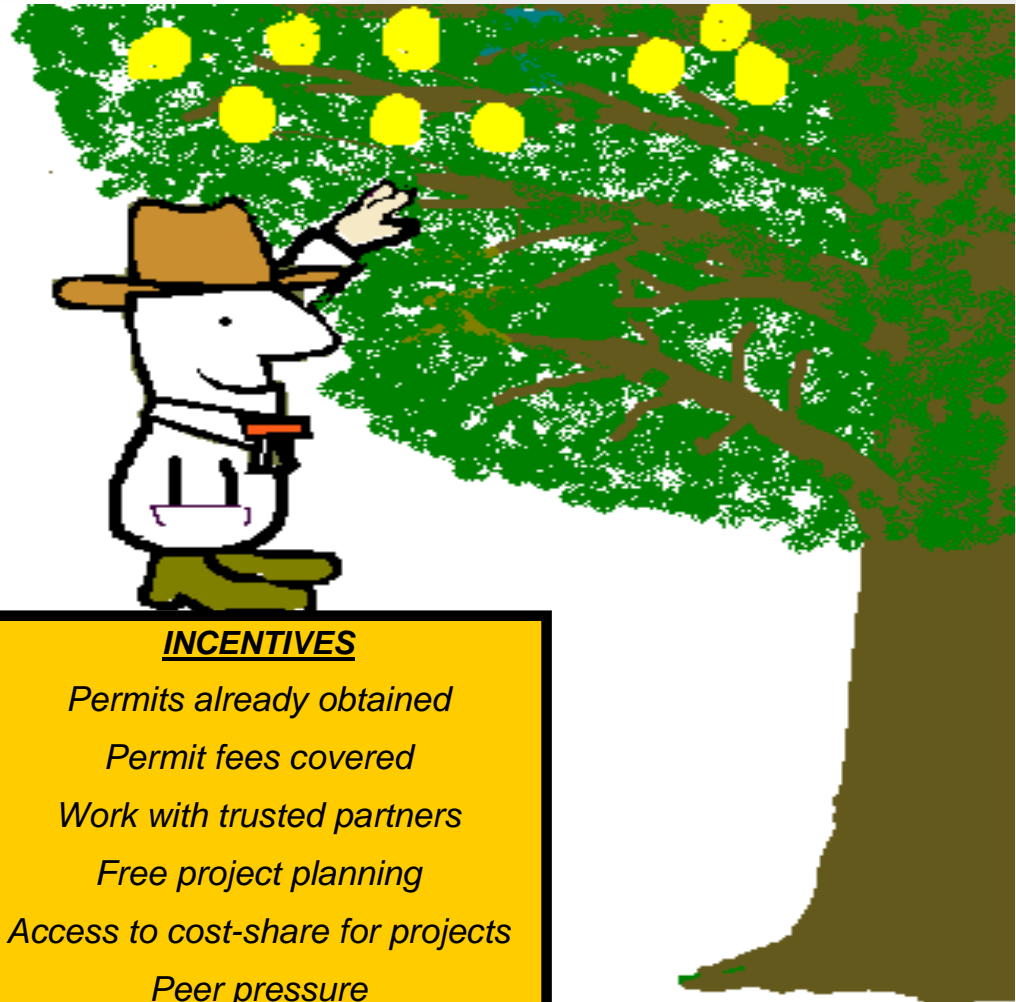
- 1) **Research challenges and regulatory climate to determine if permit coordination will help.**
- 2) **Assess landowner willingness to participate early.**
- 3) **Confirm funding is available for program and future project installation and maintenance.**
- 4) **Include only smaller proven conservation 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*