



Cutting Green Tape Along the Coast and San Francisco Bay

*Accelerating Coastal Habitat Restoration in California
Through Improved Government Efficiency and Partnerships*

Report to the Legislature in Compliance with
Public Resources Code Section 71160
(AB 72, Chapter 369, Statutes of 2021)

July 2023

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Accelerating Coastal Habitat Restoration in California Through Improved Government Efficiency and Partnerships

In November 2019, the California Natural Resources Agency (CNRA) launched Cutting Green Tape (CGT) to increase the scale and pace of environmental restoration. In the intervening three years, the Agency, its departments, and partners have substantially reduced administrative barriers to environmental restoration through meaningful changes in regulation, policy, process, and culture.

California's coastal zone management agencies – California Coastal Commission (CCC), San Francisco Bay Conservation and Development Commission (BCDC), and the State Coastal Conservancy – are working in support of Cutting Green Tape. This report identifies opportunities to accelerate voluntary ecosystem restoration projects along the coast and San Francisco Bay in four categories:

1. Improve interagency coordination,
2. Advance programmatic approvals,
3. Revise regulatory requirements and guidance, and
4. Establish consistent monitoring standards and requirements

By advancing these efforts, the state's coastal management agencies could further increase efficiencies and accelerate restoration of coastal and bay habitats in California.

Interagency Coordination

Interagency coordination can play a significant role in accelerating permitting and regulatory processes for restoration projects. Improved communication, coordination, and collaboration can reduce unnecessary duplication of effort, streamline information needs, and decrease the time and cost for restoration projects. Recommendations to enhance permit efficiencies in the coastal zone through interagency coordination are:

- 1. Continue state participation in the Bay Restoration Regulatory Integration Team (BRRIT).** The BRRIT is comprised of staff from each of the six state and federal regulatory agencies with jurisdiction over San Francisco Bay.¹ This team provides project proponents with a “one-stop shop” for complex multi-benefit habitat restoration and associated flood management projects, increasing efficiencies by 1) establishing a collaborative pre-application process in which agencies and project proponents identify and resolve issues early in project planning, and 2) diminishing the time involved for serial review, one agency at a time, for needed multi-agency permitting. Ongoing and sustained state agency staff participation in BRRIT is needed to support efficient project delivery in the Bay.
- 2. Establish a Southern California interagency review team similar to the BRRIT.** An interagency permitting team in Southern California could be established as a sub-team of the existing Southern California Wetlands Recovery Project (SCWRP), which

¹ U.S. Army Corps of Engineers (USACE); U.S. Fish and Wildlife Service; NOAA National Marine Fisheries Service (NMFS); San Francisco Bay Regional Water Quality Control Board (SF RWQCB); California Department of Fish and Wildlife (CDFW); and San Francisco Bay Conservation and Development Commission (BCDC)

is comprised of essentially the same agencies as the BRRIT along with the three regional water quality control boards in Southern California. SCWRP members currently coordinate the protection, restoration, and enhancement of California's coastal wetlands and watersheds between Point Conception and the Mexican border. The SCWRP is chaired by the California Natural Resources Agency and supported by the California State Coastal Conservancy. Through the SCWRP partnership, public agencies, scientists, and local communities work cooperatively to acquire and restore wetlands in coastal Southern California.

The SCWRP provides a structure that allows agencies to discuss project design and approach, and coordinate funding opportunities for the most efficient and effective expenditure of resources. The SCWRP has developed a streamlined review and permitting process for restoration projects on the SCWRP Work Plan, including opportunities for early multi-agency input, coordinated permit review, and exploring programmatic approvals where appropriate. A dedicated permitting sub-team would support implementation of that plan and further expedite project delivery on the southern coast.

- 3. Establish regular, interagency meetings in Southern California with the U.S. Army Corps of Engineers (USACE) and other critical agencies.** The USACE organizes a monthly interagency meeting in the San Francisco District and Sacramento District with representatives from state and federal regulatory and resource agencies, including BCDC, California Department of Fish and Wildlife, U.S. Fish and Wildlife Service, National Marine Fisheries Service, the Regional Water Quality Control Board, CCC, State Lands Commission, and the U.S. Coast Guard. These monthly meetings provide a valuable forum for agency staff to learn about a new project early in its planning process and to provide feedback to project proponents. Establishing a regularly scheduled, routinely attended meeting in the Los Angeles District of the USACE would yield similar benefits for project delivery along the southern coast.

Programmatic Permitting

Programmatic permits authorize a set of related projects or multiple projects that are substantially similar. This approach significantly reduces time and resources that would otherwise be devoted to issuing individual permits at the project level. These authorizations require substantial up-front investment, but once established, have been shown to reduce permitting times by up to 50 percent. Recommendations to accelerate coastal restoration projects through programmatic permits are:

- 1. Expand the use of existing programmatic approvals.** The NOAA Restoration Center has two Consistency Determinations with CCC, one for northern California and one for southern California, that cover several types of aquatic restoration projects. All restoration projects that meet the Determinations' standards can be permitted under this programmatic approval. To facilitate the use of these programmatic approvals, CCC could collaborate with agency partners to clarify the process and applicability of these permits for habitat enhancement, restoration of ecological processes and shoreline resilience projects, and explore opportunities for additional programmatic approvals.

2. Develop new programmatic approvals including:

- BCDC staff could work with project proponents to develop and approve a programmatic permit for oyster and eelgrass restoration and creosote piling removal in San Francisco Bay. Inclusion of other subtidal and intertidal restoration activities should also be considered.
- To the extent that the existing programmatic approvals cannot be applied to living shoreline, dune restoration, oyster restoration or coastal resilience projects, regulatory resource agencies should consider creating additional programmatic approvals.
- CCC staff will continue to work with Board of Forestry, CalFIRE, State Parks, and others to develop programmatic permits under the Coastal Act for vegetation treatment to reduce wildlife fire risk, consistent with the California Vegetation Treatment Program and the adopted Programmatic Environmental Impact Report.

Revise Regulatory Requirements and Guidance

California's coastal zone management agencies work to increase the efficiency of permitting and regulatory processes to expedite approvals for critical environmental projects. Process improvements, including simplified paperwork, fewer review and evaluation steps, and clear, accessible guidance, can significantly minimize bureaucratic barriers to habitat restoration. Recommendations to advance habitat restoration projects in the coastal zone through regulatory requirements and guidance are:

1. Consider amendments to the San Francisco Bay Plan. BCDC could revisit requirements in Bay Plan for marsh accretion and in-perpetuity public access, which is part of the BRRIT Policy & Management Committee's list of issues to resolve.

For tidal marsh restoration projects, BCDC requires applicants to "provide evidence of sustainable sediment accumulation and marsh accretion rates." In many locations, it is highly unlikely that existing and restored marsh can be sustained under more extreme sea level rise scenarios. Therefore, BCDC may want to consider adaptation plans that include conversion into subtidal habitat, and how to optimize that change. To advance regional understanding of these processes, the state could implement pilot projects to test adaptive management measures in the San Francisco Bay, an approach consistent with the San Francisco Bay Plan.

BCDC's Bay Plan policies on public access require applicants to ensure that public access is resilient to future sea level rise and can absorb, rebound, and continue functioning during and after flooding, including access (such as trails) associated with tidal marsh restoration projects. Applicants may not have right-of-way for an inland access option and design strategies can be limited as SLR increases. BCDC has received NOAA funding to explore how the intersection of public access, climate change, and habitat restoration, combined with the need to provide equitable public access, may change how BCDC considers public access issues in the future. For example, could BCDC consider the short-term benefits of access

associated with restoration projects that may not last beyond the near- or medium-term (i.e., 20 to 40 years) and work with stakeholders on alternatives that provide longer-lasting, regional public access benefits?

- 2. Evaluate opportunities for future BCDC permitting reforms.** With funding from the SCC and the Ocean Protection Council, BCDC is beginning a collaborative process to create a Regional Shoreline Adaptation Plan. As part of that plan, BCDC created a new staff position, Assistant Regulatory Director for Climate Change, with key responsibility to advance regulatory improvements in the face of a changing climate. BCDC prioritizes providing permittees and the public with specific and long-lasting direction to ensure resilience and public access. However, the uncertainties inherent in climate change requires BCDC to evaluate how it can ensure habitats and public access are durable and resilient into the future. Therefore, BCDC is starting to review its permitting policies and processes, including assessing existing permitting policies and functions, including tools to increase transparency; prioritizing policy and functional changes to adapt to rising sea levels; building streamlined processes to accelerate permitting; and strengthening collaborations with other regulatory agencies.

Additionally, the Department of Finance will provide BCDC with a "Mission Based Review" of its permitting functions starting this summer; this process will evaluate BCDC's permitting program, including how the program fits within the larger Bay-related regulatory landscape that includes local, regional, state, and federal regulatory agencies. This effort will be integrated into the internal regulatory review as described above. Through these efforts BCDC will work with local governments, private developers, environmental justice communities, and the public to improve its permitting process and systems.

Standardized Monitoring Requirements and Implement Regional Monitoring

Statewide collaboration to develop more consistent monitoring requirements would provide improve data quality and reduce unnecessary regulatory burdens on individual project proponents.

The San Francisco Bay Wetlands Regional Monitoring Program (WRMP) convenes stakeholders from a broad range of backgrounds and expertise to develop and further a regional monitoring program plan for wetlands. The WRMP will improve wetland restoration project success by putting in place regional-scale monitoring increasing the impact, utility, and application of permit-driven monitoring to inform science-based decision-making.

Through the SCWRP, a similar coordinated regional monitoring effort may be initiated in Southern California. The SCWRP will be proposing a regional monitoring program to assess progress on regional restoration goals that will be tracked and reported at a statewide level to make the data accessible.

The development of WRMP and SCWRP metrics and indicators that meet regulatory requirements to monitor restoration and mitigation projects will be crucial to the success

of the program. Once a regional approach is established, ongoing coordination across the BRRIT, the WRMP, the SCWRP, CCC and BCDC to prioritize participation in regional monitoring efforts instead of requiring stand-alone monitoring programs unique to each project will speed up the regulatory review process and provide better metrics to evaluate the health of critical habitats across the state.