

NEW Statewide Tools to Accelerate Aquatic Habitat Restoration Permitting



THE NEED TO ACCELERATE HABITAT RESTORATION

~350

California species are
listed as threatened
or endangered

90%

of California wetlands
and riparian areas
have been lost

2/3

of assessed California
water bodies are
impaired

There's a critical need for more projects and larger projects that restore degraded habitats, increase habitat connectivity, improve water quality, sequester carbon, and boost our resilience to climate change, to benefit both wildlife and people.

There is also significant new funding for habitat restoration from the state and federal government – all driving a potential increase in projects in the coming years. However, this funding typically does not come with the necessary permits to get the work done, or more staff to process the additional applications. The permitting process can take several months to years for each project to receive approval, involving substantial cost and complexity.

Programmatic permits established in advance can simplify the process and reduce time and cost for both agencies and project proponents, while ensuring essential environmental protections and design standards are in place.

THE STATEWIDE RESTORATION PERMITTING INITIATIVE



Sustainable Conservation worked in partnership with the U.S. Fish and Wildlife Service, NOAA Restoration Center, U.S. Army Corps of Engineers, and the State Water Resources Control Board, with input from the California Department of Fish and Wildlife, to develop two statewide simplified and coordinated authorizations for a common set of environmentally beneficial aquatic and riparian restoration project types, including those with multiple benefits.

These new authorizations, completed in August 2022, were designed to complement existing NOAA Restoration Center and California Coastal Commission programmatic authorizations (“Biological Opinions” and “Consistency Determinations”) to promote a more efficient and cost-effective process for both project proponents and agencies.

COVERED PROJECT TYPES

- Improvements to stream crossings and fish passage
- Removal of small dams, tide gates, flood gates, and legacy structures
- Bioengineered bank stabilization
- Restoration and enhancement of off-channel and side-channel habitat
- Water conservation projects for enhancement of fish and wildlife habitat
- Floodplain restoration
- Removal or remediation of pilings and other in-water structures
- Removal of nonnative terrestrial and aquatic invasive species and revegetation with native plants
- Establishment, restoration, and enhancement of tidal, subtidal, and freshwater wetlands, including coastal dunes
- Establishment, restoration, and enhancement of stream and riparian habitat and upslope watershed sites

See Sustainable Conservation's Essential Guide for Accelerated Restoration Permitting for further details at suscon.org/technical-resources.

We would like to thank our funders, consulting teams – Environmental Science Associates (SRGO and PEIR), and AECOM (USFWS PBO) – and all the agency staff and restoration project proponents who provided their input and support during this process.



U.S. FISH AND WILDLIFE SERVICE STATEWIDE RESTORATION PROGRAMMATIC BIOLOGICAL OPINION (PBO) / CONSULTATION



STATE WATER RESOURCES CONTROL BOARD STATEWIDE RESTORATION GENERAL ORDER (SRGO) AND PROGRAMMATIC ENVIRONMENTAL IMPACT REPORT (PEIR)

Highlights:

- Faster and simpler compliance with the federal Endangered Species Act, especially for USFWS-funded restoration projects.
- Projects applying for coverage under the Restoration Programmatic Biological Opinion use an ESA Section 7(a)(2) Review Form, rather than preparation of an individual Biological Assessment/ Biological Opinion (BA/BO).
- Regulatory coverage for 72 different federally listed species and 40 critical habitat areas commonly encountered in aquatic/riparian and coastal dune areas. Many covered species include incidental take.
- No specific project size limit, but includes annual incidental take limits for each species.
- Currently, eligible projects funded, authorized or carried out by the U.S. Army Corps of Engineers, NOAA Restoration Center, or the U.S. Fish and Wildlife Service may be covered by the consultation. However, any federal agency interested in using this consultation for eligible restoration projects may join the consultation as a “late arriving lead action agency.”
- Protection measures for state/federal listed species were coordinated with CDFW for consistency with state requirements.
- Contact CDFW at restorationpermitting@wildlife.ca.gov about eligibility for a Restoration Consistency Determination or other restoration permit to save time on getting approval from CDFW.

Highlights:

- More efficient process with greater regulatory certainty for complying with Clean Water Act Section 401 and Porter-Cologne Water Quality Control Act.
- For projects exceeding the size limits of the Small Habitat Restoration Projects 401 Water Quality Certification and CEQA Categorical Exemption 15333 – Small Habitat Restoration Projects.
- Anticipated cost and time savings due to reduced effort for CEQA compliance by utilizing the analyses completed and information contained in the PEIR by completing memo to file/ findings, addendum, or supplemental EIR. This PEIR can be used even if you are not using the SRGO, as long as your project meets the definition of a restoration project in the SRGO.
- The SRGO can be used with this PEIR for CEQA compliance, or with a different CEQA compliance pathway.
- Protection measures were coordinated with USFWS, NMFS, and CDFW for consistency with their restoration permitting efforts.

FOR MORE INFORMATION

- Contact us:
restoration@suscon.org
- Join our email list:
suscon.org/restoration-updates
- Explore permitting guidance resources:
suscon.org/technical-resources