

Voluntary Agreement Habitat Restoration

Water Quality Coordinating Committee

October 28, 2022

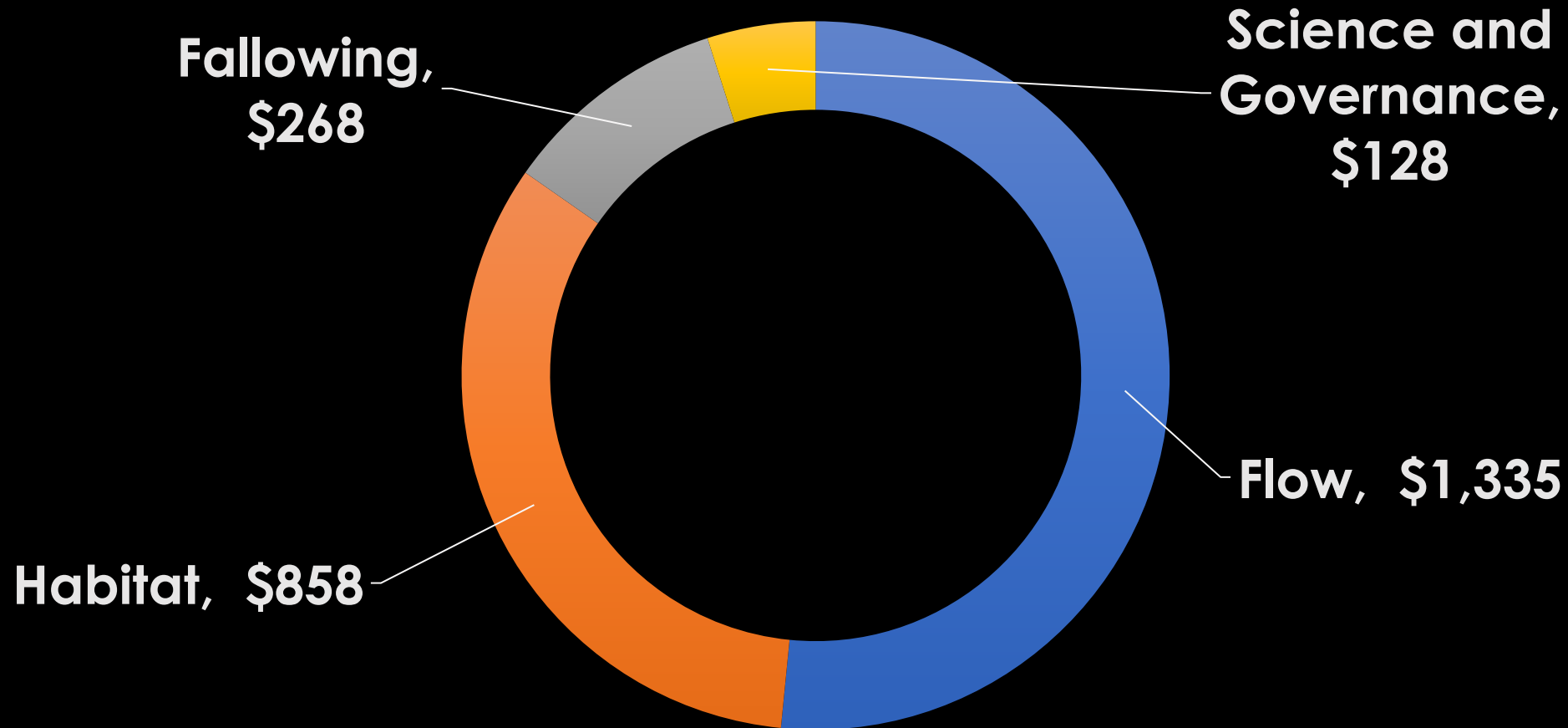


Voluntary Agreement Habitat Summary*

Area	Total Acres
Sacramento	137.5 (instream), 113.5 (spawning)
• Sutter Bypass, Butte Sink, and Colusa Basin	20,000 (floodplain) , 20,000 (fish food production) Initial Targets per funding and permitting
Feather	15 (spawning), 5.25 (instream), 1,655 (floodplain)
Yuba	50 (instream), 100 (floodplain)
American	25 (spawning), 75 (rearing)
Mokelumne	1 (instream), 25 (floodplain)
Putah	1.4 (spawning)
North Delta Arc and Suisun Marsh	5,227.5 tidal wetland and floodplain

*For summary purposes only, for details and footnotes see March 29, 2022 Term Sheet Appendix 2

VA Cost Summary (\$ Millions)*



Total Cost = \$2.6B

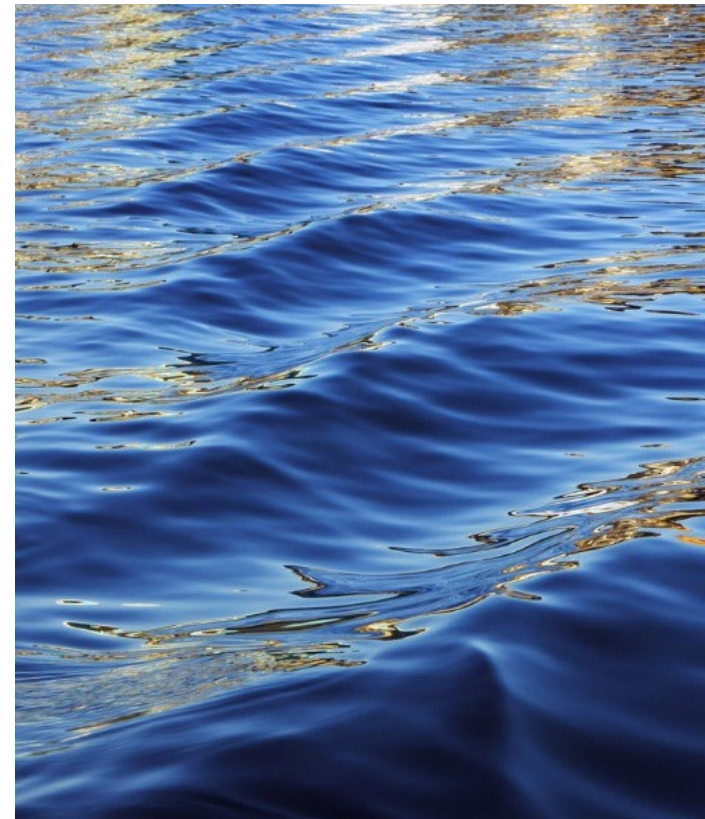
*Rollup of VA Term Sheet Appendix 3

****To expedite the completion of these projects, the State will commit to establish a new, multi-disciplinary restoration unit, with authority to coordinate and work collaboratively to obtain all permits required to implement the restoration activities. The unit will track and permit these projects and seek to: (1) encourage coordination between and among state and federal agencies, (2) avoid repetitive steps in the permitting process, (3) avoid conflicting conditions of approval and permit terms, and (4) provide an expedited path to elevate and resolve permitting challenges.***



Expediting Permitting at the Water Boards

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Expediting Permitting at the Water Boards

Desired Outcome

- Highlight efforts to expedite permitting of priority projects
- Seek WQCC support for:
 - Implementing existing programmatic orders
 - Developing new programmatic orders

Expediting Permitting at the Water Boards

Today's Presentation

- Permitting Background
 - Individual Permits
 - Programmatic Permits
- Programmatic Permits
 - Statewide Restoration General Order
 - Vegetation Management General Order
 - Forthcoming Utility Corridor General Order
- Discussion and Questions

Expediting Permitting at the Water Boards

Permitting Background

- Individual Permits
 - Applicant must apply for an individual permit
 - May take months or years to process and issue permit
 - Tend to be more costly to applicant
 - If subject to CEQA, generally requires the applicant to prepare a CEQA document
- Programmatic Permits
 - Applicant must enroll in a pre-existing order
 - May take days or weeks to process and issue notice of enrollment
 - Tend to be less costly to applicant
 - If subject to CEQA, the State Water Board generally prepares the CEQA document while developing the permit
- To expedite permitting, we look to a **programmatic approach**

Expediting Permitting at the Water Boards

Programmatic Permits

- Statewide Restoration General Order
- Vegetation Management General Order
- Forthcoming Utility Corridor General Order

Expediting Permitting at the Water Boards

Statewide Restoration General Order

Purpose

To expedite consultation, authorization, and permitting of eligible restoration projects intended to help the State achieve its habitat restoration, species recovery, and water quality improvement goals.

Background

- The permit supports Cutting Green Tape, 30x30, and EcoRestore
- Staff were directed to adopt and implement the permit soon
- Staff received assistance with CEQA
- Involved extensive collaboration
 - Cal EPA and Natural Resources Agency
 - Regional Water Boards
 - Department of Water Resources
 - Department of Fish and Wildlife
 - Restoration Groups
 - Non-Governmental Organizations

Expediting Permitting at the Water Boards

Statewide Restoration General Order (cont.)

Permit Scope and Details

- Provides 401 Water Quality Certification and Waste Discharge Requirements for eligible project types
 - Establishes a single application form for coverage within any of the regional board boundaries.
 - Includes permit conditions and design guidelines that align with other regulatory agency approvals for similar projects.
 - Provides a CEQA document that may be used for CEQA compliance for an individual restoration project.
- Definition - A 'restoration project' is one that would result in a net increase in aquatic or riparian resource area functions and/or services through implementation of the eligible project types, relevant general protection measures, and consideration of design guidelines.
- Projects must meet the above definition of a restoration project and be consistent with applicable Basin Plans in order to be eligible for coverage.

Expediting Permitting at the Water Boards

Statewide Restoration General Order (cont.)

- Eligible project types (no maximum size limitations):
 - Improvements to Stream Crossing and Fish Passage
 - Removal of Small Dams, Tide Gates, Flood Gates, and Legacy Structures
 - Bioengineered Bank Stabilization
 - Restoration and Enhancement of Off-Channel/Side-Channel Habitat
 - Water Conservation Projects
 - Floodplain Restoration
 - Removal of Pilings and Other In-Water Structures
 - Removal of Non-native Terrestrial and Aquatic Invasive Species and Revegetation with Native Plants
 - Establishment, Restoration, and Enhancement of Tidal, Subtidal, and Freshwater Wetland
 - Establishment, Restoration, and Enhancement of Stream and Riparian Habitat and Upslope Watershed Sites

Expediting Permitting at the Water Boards

Statewide Restoration General Order (cont.)

Status

- The State Water Board adopted the Order in Summer 2022.
- The final Order and permit application materials are being reviewed and posted to the website.
 - In the meantime, staff is providing them to interested parties upon request.
- State Water Board staff continues to coordinate with Regional Board staff and Department of Fish and Wildlife staff to facilitate authorization projects.

Expediting Permitting at the Water Boards

Vegetation Treatment Programmatic Permit

Purpose

- Facilitate streamlined management of vegetation to reduce wildfire risk within the State Responsibility Area, while protecting water quality.

Background

- Executive Order B-52-18 set a goal of treating 500,000 acres of vegetation per year to reduce wildfire risk.
- CalFire and other local, state, and federal agencies are increasing the pace and scale of vegetation treatment throughout California to meet that goal.
- These activities often require a permit from the Water Board.
- Many permit applications will be filed.
- The Water Board permitting process must not impede these projects.

Expediting Permitting at the Water Boards

Vegetation Treatment Programmatic Permit (cont.)

Background (cont.)

- Board of Forestry and Fire Protection prepared a Programmatic EIR.
- Water Boards provided extensive, informal input on the EIR.

Permit Scope and Details

- Permit for vegetation treatment activities to:
 - Support increased pace and scale of vegetation treatment to reduce wildfire risk in California,
 - Streamline permitting requirements for vegetation treatment activities conducted in accordance with the Programmatic EIR, and
 - Protect water quality from vegetation treatment activities.
- The permit utilizes a novel approach to avoid expense or paperwork for applicants
 - Automatic enrollment – processed by Water Board staff on behalf of applicant
 - No permit enrollment fee – covered by General Fund

Expediting Permitting at the Water Boards

Vegetation Treatment Programmatic Permit (cont.)

Status

- State Water Board staff is working closely with Board of Forestry and Fire Protection staff and Regional Water Board staff to implement this permit.

Expediting Permitting at the Water Boards

Forthcoming Utility Corridor General Order

Purpose

- Develop a streamlined permit for electric utilities that conduct
 - wildfire mitigation
 - operations and maintenance activities

Background

- Senate Bill 901 (Dodd, 2018)
 - Aims to increase the pace and scale of wildfire mitigation activities.
 - Requires utility companies to take actions to reduce the risk of facility wildfire ignition from infrastructure in high fire-threat areas.
- Planned activities have the potential to discharge waste that could impact water quality.

Expediting Permitting at the Water Boards

Forthcoming Utility Corridor General Order (cont.)

Permit Scope and Details

Coverage for electric utilities:

- Vegetation management
- Post-fire response
- Site access development/maintenance
- Fire Retardant or Suppressant Application
- Staging Areas and Laydown Yards
- Pole/Tower Repairs or Replacement

Expediting Permitting at the Water Boards

Forthcoming Utility Corridor General Order (cont.)

Permit Scope and Details (cont.)

- Substation Maintenance
- Transmission Tower Maintenance
- Structural Conversion
- Line Reconductoring
- Undergrounding Powerlines
- Boardwalk Repairs or Replacement
- Electric Utility Infrastructure Lowering, Maintenance, Replacement, or Removal

Expediting Permitting at the Water Boards

Forthcoming Utility Corridor General Order (cont.)

Status

- The Notice of Preparation scoping period closed on March 4, 2022.
- Draft release of the Environmental Impact Report and General Order is tentatively scheduled for February 2023.
- Proposed consideration of adoption is tentatively scheduled for October 2023.

Questions?

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