Briefing Paper
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Partners in Restoration (PIR) Permit Coordination Program

DRAFT
Comprehensive Program Assessment

The Partners in Restoration (PIR) program provides programmatic permitting, technical assistance, and cost-share funding to farmers, ranchers and other rural landowners seeking to implement small erosion control and habitat enhancement projects on private property in California. Since its inception in 1996, Sustainable Conservation, in partnership with the federal Natural Resources Conservation Service (NRCS), local Resource Conservation Districts (RCDs) and regulatory agencies, has been designing and implementing the PIR program.

The partnership was spurred by the realization that the time, cost and complexity of navigating the permit process across three levels of regulatory agencies (federal, State and local) was too daunting for private landowners, and that the laws and regulations designed to protect natural resources often presented a disincentive to good land stewards who wished to complete restoration projects on their properties.

During the course of 15 years, a total of 212 individual restoration projects have been completed under seven PIR programs covering all or portions of seven counties. In 2011, three additional PIR programs are slated to begin implementation in four counties within California's Central Coast region. All ongoing and planned programs comply with rigorous environmental protection measures for the conservation practices that are collectively developed by the partners, and reflected in the permits and authorizations issued by federal, State and local agencies.

Over time, despite the broad popularity of PIR programs among all stakeholder groups, the programs have become more difficult and expensive to develop rather than easier and cheaper. To understand why, Sustainable Conservation undertook this comprehensive assessment of the PIR program with generous support from the Irvine Foundation and the Compton Foundation. This assessment takes stock of the accomplishments, shortcomings and lessons learned during the course of the PIR program, and provides stakeholders with a route for updating and upgrading the PIR methodology for the next generation of voluntary restoration programs.

The assessment report contains eight findings and ten recommendations drawn from a three-part research effort performed by Sustainable Conservation that included: (i) an analysis of data contained in all available annual reports issued by NRCS/RCDs for active or completed PIR programs; (ii) a detailed survey of 63 key stakeholders; and (iii) in-depth interviews done with eleven program experts.

The results of our assessment, together with our experience developing this restoration program, lead us to advocate a new direction for PIR. If implemented, the recommendations could enable a great boost in the number of small restoration projects moving forward in California, projects that collectively can provide important and much-needed momentum toward improving the health of our State's waterways and aquatic habitats. The findings and recommendations are summarized below.

Finding #1:
Establishing and Implementing PIR Programs has Become Increasingly Difficult and Costly

Recommendation #1:
Build Support for a Statewide or Multi-regional Restoration Program

Seek high-level support from leaders at State and federal agencies for a statewide, programmatically permitted private lands restoration program that can be adapted to, and applied by, the regional offices, field offices and districts of the regulatory agencies. Shift the programmatic permitting of small-scale restoration and erosion control projects on private lands away from a countywide and watershed level and toward a statewide or multi-regional level.

Finding #2:
The Number and Type of Conservation Practices Selected by NRCS and RCDs Affected the Course and Outcome of the Regulatory Approval Process

Recommendation #2:
Select a Core Set of Conservation Practices and Environmental Protection Measures

Fashion a statewide PIR program around a select set of broadly accepted, science-based conservation practices focused on reducing soil erosion and sedimentation of waterways, restoring riparian forest and floodplains, addressing sediment discharge from poorly designed rural roads, and replacing weedy invasive plants with native vegetation.

Recommendation #3:
Develop Programmatic Permitting for a Scaled-up PIR Program
Advance a statewide or multi-regional restoration program by writing and negotiating programmatic permits with regulatory agencies that can be "tiered-down" to a regional level. Doing so will require intensive collaboration with the following agencies and organizations:

USDA-Natural Resources Conservation Service (NRCS)
Resource Conservation Districts (RCDs)
California Association of RCDs (CARCD)
California Department of Conservation (DOC)
California Department of Fish and Game (DFG)
State Water Resource Control Board (State Water Board)
Regional Water Quality Control Boards (Regional Water Boards)
California Coastal Commission
National Oceanic and Atmospheric Administration (NOAA Fisheries Service)
U.S. Fish and Wildlife Service (FWS)
U.S. Army Corps of Engineers (Corps)
California counties and California State Association of Counties (CSAC)

Finding #3:
California Environmental Quality Act (CEQA) Compliance for PIR can be Time-consuming, Costly and Redundant

Recommendation #4:
Secure a Lead Agency for a Statewide CEQA Process for PIR programs, and Clarify CEQA Guidelines for Restoration *Programs*
A statewide restoration program for private lands would require environmental review under CEQA. The DFG, DOC, State Water Board or CARCD should consider taking the lead agency role for the preparation of a statewide Mitigated Negative Declaration (MND) or Environmental Impact Report (EIR). This would obviate the need for costly and redundant CEQA compliance on a program-by-program basis.

In addition, Sustainable Conservation proposes making an administrative clarification to the CEQA Guidelines for Categorical Exemptions. Currently, the list of Categorical Exemptions includes restoration projects*, but not restoration* programs.[1] *Our experience with PIR has illustrated a need to clarify this provision to exempt restoration programs that incorporate rigorous environmental protection measures.*

Finding #4:
NRCS' *Federal Nexus* Policy Eliminates Up to Half of the PIR Projects that would Otherwise be Covered by Programmatic Permits

[1] In 2004, Section 15333, exempting "small habitat restoration projects" less than 5 acres in size, was added to the CEQA Guidelines.

Recommendation #5:
Explore All Opportunities to Provide ESA and NHPA/SHPO Coverage for the Entire PIR Program

To ensure that all PIR projects funded with non-federal sources are compliant with the Endangered Species Act (ESA) and National Historic Preservation Act (NHPA) (through the State Historic Preservation Office [SHPO]), a lead federal agency for the PIR program must be secured. This lead agency would conduct ESA consultations with FWS and NOAA Fisheries Service, and provide SHPO compliance, covering all projects under PIR that are not funded by the NRCS.

Finding #5:
Landowners Improving Habitat under PIR Programs Face Potential Post-project ESA Concerns

Recommendation #6:
Integrate Federal and State Safe Harbor Agreements (SHAs) into the PIR Program

Engage with DFG, FWS and NOAA Fisheries Service to develop a process whereby SHAs for federally and State-listed species would be readily available to landowners participating in PIR programs.

Finding #6:
PIR Lacks Standards for Post-project Monitoring and Annual Reporting

Recommendation #7:
Standardize Monitoring and Reporting Protocols for PIR

Develop and adopt standards for post-construction monitoring and annual reporting under PIR programs to: (i) better document the accomplishments of each program; (ii) ensure compliance with all environmental protection measures and the requirements of the programmatic permits and authorizations; (iii) provide information needed for the adaptive management of ongoing projects and programs; and (iv) create comparable metrics across all PIR programs.

Finding #7:
Lack of Funding Limits the Scope and Effect of the PIR Program

Recommendation #8:
Demonstrate How PIR Programs Help Federal and State Agencies Achieve Environmental Goals, and Give these Agencies a Reason to Invest in Voluntary Restoration Programs

Shift away from an opportunistic approach and toward a strategic approach where incentives are provided to landowners whose holdings suffer the greatest impairments and possess the greatest restoration potential. Make a stronger linkage between PIR programs and the implementation of federal and State initiatives aimed at improving water quality and beneficial uses, and the recovery of special status species. Federal

and State agencies will then have a greater reason to engage in these programs, and to invest human capital and restoration dollars.

Finding #8:
Lack of Capacity at Some RCDs Limits the Establishment and Implementation of PIR Programs

Recommendation #9:
Increase Institutional Capacity of RCDs for PIR Development and Implementation

Strengthen the institutional capacity of RCDs to effectively scale up PIR into a statewide or multi-regional restoration program. Achieving this goal will require significant strategic and financial coordination among all stakeholders supportive of greatly advancing voluntary restoration on private lands.

Recommendation #10:
Explore Ways for Other Parties to Use Programmatic Permits and Authorizations Held by the RCDs

Explore ways to expand the PIR partnership beyond the NRCS, RCDs and Sustainable Conservation, so other parties can utilize the programmatic permits and authorizations held by the RCDs – particularly land trusts and conservancies with large holdings, and timber companies transitioning their operations toward sustainable practices in watersheds critical to the recovery of anadromous fishes.