FLOODPLAIN MANAGEMENT ANNUAL CONFERENCE

BRIEF DIALOGUE ON REGULATORY ALIGNMENT
SESSION GOALS

• Assemble regulators, local agencies, NGOs and other stakeholders involved in floodplain projects

• Discuss key environmental regulatory challenges

• Discuss opportunities for improving regulatory alignment
FLOODPLAIN ACTIVITIES

• Development of flood conveyance systems – planning, construction and maintenance
  o Levees, channels, basins, etc.

• Stream and floodplain restoration
  o Hydrologic and hydraulic changes – water quality, quantity, profile
  o Geomorphologic changes – physical alteration of streams, sediment management
  o Ecosystem changes – vegetation to support ecosystem functions
TYPICAL REGULATORY AGENCIES INVOLVED

• Regional Water Quality Control Boards
• California Fish and Game
• U.S. Army Corps of Engineers
• U.S. Fish and Wildlife
• Coastal Commission
• Other
CHALLENGE

*Environmental protection and public safety are too often in a trade-off relationship*

CONSEQUENCES

- High Project Costs
- Longer Duration for Regulatory Reviews
- Less Effective Public Safety
- Less Effective Environmental Protection
COMMON THEMES

• Need to address unclear, conflicting or mutually exclusive *regulatory objectives* or *requirements* for projects
  o Science & data
  o Balanced stakeholder input
• **Integrated Permitting** Guidance
• **Habitat Conservation** Practices
COMMON THEMES (continued)

• Improved consistency and predictability in standards for 
  **mitigation requirements** during project development and 
  implementation

• Improved **programmatic permitting** process

• **CEQA / NEPA** and Project Planning

• **Mediation and Facilitation** toward Regulatory Alignment
SPECIFIC STAKEHOLDER COMMENTS

Science and Data
• Improve science and information regarding listed species and related mitigation requirements: State role
• Feature success stories that demonstrate the value of science and data to the regulatory process

Stakeholder Involvement
• Improve and Leverage Involvement of NGOs – facilitate relationships with regulators, land owners, etc.
• Balanced input into regulatory requirements for projects
STAKEHOLDER COMMENTS

Integrated Permitting

- Resource Agencies – Develop Guidance on Integrated Permitting for Water Projects
- Improve Consistency in Definitions and Exemptions
STAKEHOLDER COMMENTS

Managing Habitat Conservation Strategies

Challenges:

• Regulatory agencies are not using current, actual on-the-ground data about ecosystems and species

Opportunities:

• Develop regional inventories of habitat and species information (cross-jurisdictional databases)
• HCP as a good source of information
STAKEHOLDER COMMENTS

Programmatic Regional Permitting

- Define Statewide Mitigation Standards for Regional Projects
- Support and Standardize “Advance Mitigation”
- Promote Consistency in Mitigation Requirements for Coastal O&M Activities
- Best Management Practices
- Minimize Changes to Mitigation Requirements
- Facilitate Mitigation Banking – State Mitigation Policy
- Track Mitigation Projects
STAKEHOLDER COMMENTS (continued)

Project Planning / CEQA

- Improve Early Project Definition Requirements
- Promote & Finance Early Regulatory Agency Involvement
  - Funding of regulatory agency staff involvement in project planning phase
- USACE: Include future project development costs in overall project costs
STAKEHOLDER COMMENTS (continued)

Mediation & Facilitation

State can be a key facilitator in aligning regulatory processes involving federal/state environmental regulations
STAKEHOLDER COMMENTS (continued)

Mediation & Facilitation – Local/Regional Scale

- Explore third party mediation
- Resolve unclear, conflicting or mutually exclusive project requirements with local/regional considerations

Mediation & Facilitation – Statewide Scale

- Address over-arching issues through Statewide working group
- Levee Vegetation Roundtable collaborative model – facilitated high level key agency stakeholder group
- FEMA – regulatory floodway; RiskMAP framework
Next Steps