



**Partners in Restoration Permit Coordination Programs for
Santa Barbara County and San Luis Obispo County**

Program Background

In 1998, Sustainable Conservation, a nonprofit environmental organization, in partnership with the USDA Natural Resources Conservation Service (NRCS), designed and implemented an innovative permit coordination program called Partners In Restoration (PIR) to improve water quality, enhance wildlife habitat, and conserve agricultural resources. Beginning in 2006, Sustainable Conservation, NRCS and the local Resource Conservation Districts (RCDs) began establishing a PIR program covering Santa Barbara and San Luis Obispo Counties to assist the counties’ rural and agricultural landowners by providing permitting assistance to those wishing to restore and enhance the natural resource conditions of their properties, maintain economic viability, and help achieve important water quality and habitat conservation goals. The Central Coast Regional Water Quality Control Board, California Coastal Conservancy and Sustainable Conservation provided funding for the development of these programs in Santa Barbara and San Luis Obispo Counties.

The Partners In Restoration program was developed as a result of a dilemma faced by landowners: while a growing number of farmers and ranchers are interested in implementing small, environmentally beneficial projects on their lands, the time and complexity involved in obtaining multiple permits for each project, often discourages them from moving forward with needed work (see table, below). From the landowner’s perspective, current agency review processes intended to protect natural resources often act as disincentives to voluntary practices that would reduce nonpoint source pollution and enhance habitat. Consequently, most farmers and landowners will continue with current land use practices if the challenges of obtaining governmental approvals exceed the perceived benefits. Sustainable Conservation and the NRCS have learned that by simplifying the permitting process, agricultural landowners are more likely to implement environmentally beneficial conservation practices.

Representative Sampling of Agency Mandates That Can Affect One Conservation Project

| Regulatory Mandate | Agency Involved |
|--|---|
| Section 404 Clean Water Act | Environmental Protection Agency Army Corps of Engineers (ACOE) |
| Federal Endangered Species Act | United States Fish and Wildlife Service (USFWS) National Marine Fisheries Service (NMFS) |
| National Historic Preservation Act | State Historic Preservation Office (SHPO) |
| National Environmental Policy Act (NEPA) | Federal Agencies |
| Section 401 Clean Water Act Porter Cologne Act | Regional Water Quality Control Board (RWQCB) |
| Fish and Game Code Section 1602 California Endangered Species Act | California Department of Fish and Game (CDFG) |
| California Environmental Quality Act (CEQA) | State and Local Agencies |
| Erosion and Grading Ordinances, Development Standards, Environmental Protection Ordinances, and Local Coastal Plan | County Government California Coastal Commission |

Success of the PIR Permit Coordination Program in Elkhorn Slough

The pilot PIR permit coordination program was developed in 1998 in response to very high erosion rates in the Elkhorn Slough watershed and its detrimental effects on water quality and wildlife habitat. Ten conservation practices recommended by the EPA and NRCS were conditioned and authorized in advance by federal, state and local agencies through multiple watershed-based permits issued to the NRCS and the Monterey County RCD.

The results of conservation projects implemented under the PIR program have been dramatic. Since 1998, more than 50 projects have been completed under the program; fifty percent more than was originally projected. More than 60,000 tons of sediment have been prevented from entering the Elkhorn Slough, its tributaries and the Monterey Bay National Marine Sanctuary, and more than two miles of stream bank and channel have been restored or revegetated. In addition, the program has brought the NRCS into cooperation with many farmers who had not previously expressed interest in on-farm conservation. The results we had anticipated – more conservation projects done, a broader range of projects implemented, and better quality projects – were met and exceeded:

- ◆ More projects were done. While the program was expected to have broad appeal, twice as many farms participated in the first year of the program than were originally projected for the initial five-year period. Farmers who normally would put off conservation work or refuse to become involved in stream enhancement projects decided to participate. They eagerly responded to the ease with which the program allowed them to deal with erosion, flooding, and degradation on their land.
- ◆ A broader range of projects was implemented. Some landowners previously had been reluctant to pursue the necessary permits for work in riparian areas on their own, directing most of their effort towards on-farm projects that have fewer regulatory restraints. With the permit coordination program in place, these farmers initiated projects to reduce severe stream bank erosion and to enhance the natural functioning of riparian corridors and wetlands.
- ◆ The quality of projects improved. The conditions approved by the public agencies under the permits sometimes made the work more complicated to implement, but ultimately improved the quality of the projects. The farmers were willing to do the work to the “higher” standards in exchange for the simplified permitting process that allowed them to deal with their resource problems efficiently.

Following the success of the Elkhorn project, similar permit coordination efforts have now been established in other areas along California's Coast – Morro Bay, Calleguas Creek (Ventura County), the Salinas River, Navarro River watersheds, Marin coastal watersheds, Alameda County, San Luis Rey watershed in San Diego County, and Santa Cruz County. The Santa Barbara and San Luis Obispo Counties are soon to be completely established.

Roles of Regulatory Agencies

Early involvement by the regulatory agencies was critical to the success of each PIR permit coordination program. Sustainable Conservation, the NRCS, and the local RCDs engaged in a dialogue with agency staff to discuss the components of proposed programs and facilitate farm tours and agency meetings to identify particular resource concerns and regulatory jurisdictions over the proposed practices. We relied on agency staff to provide valuable feedback on the appropriate environmental protection measures for each of the project practices, tailored to the resource concerns present in each project area. Regulatory agencies provided/provide approval for the proposed projects by entering into programmatic agreements with the NRCS and the local RCDs, alleviating the need for landowners to seek permits and approvals on a project-by-project basis. Over the life of the programs, the NRCS and RCDs continually work with landowners and managers to carry out projects that qualify under the permit coordination programs according to the terms and conditions agreed upon in the programmatic agreements.

Permit Coordination in Santa Barbara and San Luis Obispo Counties

The links between agricultural runoff, stream bank erosion, water quality, and fish and wildlife habitat in Santa Barbara and San Luis Obispo County watersheds are a concern for agricultural, conservation, and

regulatory interests. In particular, creeks and streams in these counties provide essential habitat for the federally protected steelhead (*Oncorhynchus mykiss*) and the California red-legged frog (*Rana aurora draytonii*), among many others. Riparian vegetation along many of these streams also serves as important migration corridors and habitat for other state and federally protected species. The California tiger salamander (*Ambystoma californiense*) in Santa Barbara County poses additional challenges because of its broad habitat requirements that intersect with agricultural land uses. The PIR permit coordination programs seek to address some of these challenges by controlling erosion at its source in upland, agricultural areas, by revegetating degraded riparian areas, and by implementing voluntary practices that may provide recovery benefits for some these species.

Although other PIR programs have been developed elsewhere in California, this will be the largest effort affecting a single region. Many of the conservation practices for the programs are consistent between Santa Barbara and San Luis Obispo Counties because they share similar conservation needs. However, due to a number of factors, such as agency geographic coverage along county lines, differences between habitats and listed species issues, and the additional complexity of merging two counties into a single program, we developed two separate permit coordination programs, one for each county. The life of the programs can extend ten-years.

NRCS Conservation Practices

The work authorized under the permit coordination programs revolves around NRCS conservation practices, also known as best management practices (BMPs) or management measures. The NRCS and RCD staff serving Santa Barbara County and San Luis Obispo County selected 18 specific, standardized, conservation practices from NRCS's California Field Office Technical Guide (*FOTG*) to include in the programs. These standardized practices mirror the BMPs promoted by the EPA to help meet Clean Water Act mandates and the BMPs included in Management Measures promoted by the California Coastal Commission and the State Water Resources Control Board in the *Plan for California's Nonpoint Source Pollution Control Program*. In addition, many of the practices will assist landowners to meet nonpoint source pollution targets of the conditional waiver for discharge coming from irrigated farmland.

Under the PIR permit coordination programs, regulatory agencies conditioned the practices and entered, or are in process of entering (see status on page 4), into programmatic agreements with the NRCS and RCDs that pre-approved the 18 conservation practices. The environmental protection measures and conditions associated with implementation and maintenance of any of these practices, as negotiated with permitting agencies, are specific to the resource concerns present in each county and project area. The program is designed to include follow up and monitoring by the NRCS and the RCD for each conservation project, thus resulting in high quality projects, and ensuring agency mandates for resource protection are met.

The PIR programs' pre-approved 18 conservation practices include:

1. *Access Road Improvements* - Road drainage or location improvements to reduce erosion and runoff
2. *Channel Stabilization* - Stabilizes the bed of a channel
3. *Planting* - Planted vegetation (trees, shrubs, grasses) on eroding or exposed areas
4. *Debris Removal & Vegetation Management/Clearing & Snagging* - Removes unwanted materials to minimize flow and fish blockages in streams or waterways
5. *Diversion* - Slope structures to slow and redirect excessive surface flows
6. *Filter Strip* - Vegetated strip between cropland, grazing land or other disturbed land and environmentally sensitive areas
7. *Grade Stabilization Structure* - Structure to control erosion and prevent headcutting in channels
8. *Grassed Waterway* - Vegetated channel for conveying surface water flow
9. *Irrigation System, Tailwater Recovery* - Collects surface and sub-surface irrigation water for re-use or sediment capture

10. *Pipeline* - Water systems in sensitive areas to improve livestock water management
11. *Ponds* - Off-channel water impoundments for alternative water sources for livestock, away from sensitive riparian areas
12. *Restoration and Management of Rare or Declining Habitats* - Restores stream or upland habitats which support rare natural areas
13. *Sediment Basins* - Installed basin for capture of debris, sediment or high flows
14. *Stream Crossing* - Improves existing crossings to prevent soil erosion, reduce pollution from entering waterway and allow fish passage
15. *Stream Habitat Improvement and Management* - Restores streambank and stream channel habitat and function
16. *Streambank Protection* - Planted vegetation or natural structures to stabilize and protect streambanks
17. *Structure for Water Control* - Water control structure or system, usually a culvert or pipe, to improve drainage or flow
18. *Underground Outlets* - Sub-surface drainage pipeline and outlet to collect surface flow and prevent erosion

Santa Barbara County PIR Program' status as of December 2010

Programmatic Permits/Agreements Issued:

- ◆ *CEQA* - Mitigated Negative Declaration Finalized and Adopted, December 2008
<http://www.suscon.org/pir/watersheds/santabarbaraMND.php>
- ◆ *RWQCB* - 401 Certification issued, April 2009
- ◆ *Santa Barbara County* - Exemption issued for all practices implemented inland, June 2009
- ◆ *CDFG* - Streambed Alteration Agreement Programmatic issued, April 2010
- ◆ *NMFS* - Biological Opinion issued, May 2010

Programmatic Permits/Agreements Pending:

- ◆ *ACOE* - Submitted Memorandum Of Agreement for agency approval, April 2010. In process of finalizing in collaboration with agency.
- ◆ *USFWS* - Biological Assessment submitted, in formal section 7 consultation as of April 2009; issuance of Biological Opinion anticipated Winter 2010

San Luis Obispo County PIR Program status as of December 2010

Programmatic Permits/Agreements Issued:

- ◆ *CEQA* - Mitigated Negative Declaration Finalized and Adopted, May 2009
http://www.suscon.org/pir/watersheds/SLO_MND.php
- ◆ *San Luis Obispo County* - Exemption issued for all practices implemented inland, April 2009
- ◆ *RWQCB* - 401 Certification issued, March 2010
- ◆ *CDFG* - Memorandum Of Agreement for Streambed and Lake Alteration Agreement issued, June 2010

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For Additional Information, please visit Sustainable Conservation's website www.suscon.org or contact Lisa Thompson, Senior Project Manager, at 818.392.8351 or lthompson@suscon.org