

Response to Comments to the Permit and Policy Improvement List, dated January 7, 2019

Policy Issue	Commentor	Comment	Response to Comment
1.a. Type Conversion and 1.b. Fill for Habitat	ESA Associates	"to more thoroughly address these issues (Type Conversion and Fill for Habitat) you could specifically call out and tackle the issue of recognizing/crediting 'qualitative' gains that come about with certain type conversions, and which could offset some 'quantitative' losses (such as when converting managed brackish marsh to a combination of unmanaged tidal wetlands plus ecotonal/transitional habitat, as seen with the Tule Red project). These gains are currently not easily recognized/credited by those agencies who must focus solely on 'quantitative' gains/losses of wetland habitat types (such as under the State's No Net Loss policy). One solution may be to develop ways to translate qualitative gains into numeric/quantitative gains that can more easily fit into existing numeric frameworks for evaluating net loss/gain. This might most readily be done by drawing upon existing methods (such as HGM, CRAM, etc.)"	An objective of the type conversion project that is underway is to develop a technically defensible framework for considering such issues as qualitative and quantitative losses and gains using existing scientific methods and literature. The framework is being developed in the context of existing regulatory guidance and should be readily accessible to those agencies in their decision-making process.
1.b. Fill for Habitat	Coastal Conservancy	"The issue as described doesn't seem to include fill that isn't sediment for wetlands, such as oyster reefs, etc. Need to add non-sediment fill to list (oyster shell, baycrete, sand, gravel, cobble, rock, etc.). Will also need to consider how to, or not, distinguish between natural and man-made fill. Need to address proof of concept issue, related to transition zones and other wetland projects for which we won't see results until 2100 when the Bay floods, etc. This may relate to 1b, and also the uncertainty included in the 2.a.Wetland Monitoring section, and 3.e.Short-term impacts of wetland restoration activities vs. long-term benefits of the overall wetland restoration."	Item 1.b. includes fill for habitats that are not wetland-specific, such as living shorelines, etc. Item 2.a. will address uncertainty with wetland monitoring. As the BRRIT evaluates projects and the proof of concept issue arises, any policy-related issues will be elevated for PMT review and discussion at that point.
2.a. Wetland Monitoring	ESA Associates	"the Initiatives could use representation for Suisun Marsh area issues/projects (currently, all involved parties seem to be SF-Bay focused) if the Suisun Marsh will be covered by the BRRIT/PMT."	Suisun Marsh restoration projects are currently addressed at interagency Adaptive Management Advisory Team (AMAT) meetings. If one of these projects receives Measure AA funding, the BRRIT team could attend the relevant AMAT meetings.
2.b. Public Access and Wildlife Compatibility	Coastal Conservancy	"Either here, or under #3, it might be appropriate to add Public Access and Sea Level Rise – can we work to address the difficulty of maintaining public access given sea level rise and the challenge of describing how public access will be designed or maintained many decades from now. We don't want to hold up well-designed restoration projects that include public access now because access may be inundated in 20-50 year timeframe and there is no current plan to replace access."	BCDC has taken the lead in addressing issues surrounding public access features and restoration projects which is identified in this Policy Improvement List under Item 2b.

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2.b. Public Access and Wildlife Compatibility	ESA Associates	"– just curious if the currently-underway Bay Plan amendments re. Public Access might be happening sooner than the next 3 years (per the current statement in the Initiatives section)? If so, mention ongoing/faster progress. (Also, it seems there may be some sort of typo/omission in the final sentence, "BCDC will be undertaking a Bay Plan amendment process to address the larger issue of public access and rising sea level, and this issue likely within the next 3 years.")"	BCDC has taken the lead in addressing issues surrounding public access features and restoration projects which is identified in this Policy Improvement List under Item 2b.
3.a - 3.f. Issues and Initiatives Requiring Further Development	Coastal Conservancy	"We assume that these will be further described in the future and that this will be a living document. Describe how the PMT will take up challenge of addressing future issues and initiatives."	This Initiatives List/Policy Improvement List is a living document. As the PMT achieves initial successes, future initiatives will be addressed. The PMT is still developing the process and will describe it more fully once it is established.
3.b. Upland alternatives to fill for habitat.	ESA Associates	"not sure what this issue is; please explain/expand."	This issue is focused on establishing policy that would preferentially identify and use available upland space for transition zones where feasible, rather than fill waters of the state or U.S.
Other	ESA Associates	"it seems like there needs to be some discussion as to how this effort fits into the ongoing efforts of the Statewide Restoration Permitting Initiative and other recent agency guidance such as the USFWS Expedited Permitting for Restoration Projects. With so much momentum now, I think it is critical to make sure people are aware of the interplay between these efforts and ensure that there is no duplication of effort. For example, will Statewide programmatic BO's for restoration from NMFS affect Bay projects and interaction with the BRRIT? Maybe this fits under category 3 – issues requiring further development?"	Yes, these and other similar statewide and regional efforts will be considered by the PMT as part of our ongoing commitment to better coordination. Item 3 will address this issue.
Other -Adaptive Management	Coastal Conservancy	"We suggest working to incorporate an adaptive management framework into permits. The South Bay Salt Ponds project's permits may have examples of this. Could permit conditions be linked to restoration plans that are periodically updated with input from a technical advisory committee?"	This issue will be added to the item 3 list and discussed by the PMT to identify a solution.
Other - Experimentation, Testing, and Pilot Projects	Coastal Conservancy	"We would also like to see Experimentation added to list- need to better support thoughtful experimentation for techniques that we don't have local data yet to rely on- oyster reefs, living shorelines, etc. purpose of these projects is to generate the data to inform future larger scale efforts. Lack of data often delays permit analysis/issuance but we need to build as many pilots as possible now in order to scale up by 2030.	This issue will be added to the item 3 list and discussed by the PMT to identify a solution.

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		<p>On a related note, we would also like to see time horizon of these experimental pilot projects addressed. We often get asked about 20-50 year life span, but small pilots can't commit to that yet- meant to last 1-ten+ years and gather data on expected life span for new techniques. Not designed to address 50-year SLR projections, but to test concepts that are scaleable."</p>	
Other	ESA Associates	<ul style="list-style-type: none"> • "• Streamlining the permit application process (e.g., developing a combined application form, like a JARPA) • Developing new 'programmatic' and/or regional permits (such as new NWP's or RGP's, Abbreviated RW permits, etc.), which all BRRIT agencies can sign onto and ideally pre-authorize, for certain more common types of multi-benefit restoration projects with minimal controversy/acreage. Consider one or more for 'pilot projects' to advance the science necessary to increase confidence surrounding multi-benefit restoration. • Revising policies to accept regional versus site-specific/project-specific solutions, for requirements such as compensatory mitigation (i.e. for offsetting fill or public access), and especially for projects with minor/minimal deficits. • Revising policies/regulations about (clean) dredged material, to view it as a 'resource' which can be beneficially reused for multi-benefit wetland restoration projects, and not a 'waste,' such that it does not face the same regulatory challenges applied to 'disposal of dredged material' for the purposes of getting rid of something. (apologies if this one is outside of the purview of this group!) • Creating consistent policies/approaches for addressing SLR across all agencies – with respect to the methodology and projected timeframe used • Changing the way existing aquatic resources are viewed, from 'static' to 'dynamic,' in light of SLR, and considering this when assessing a proposed Project's 'impacts' and the mitigation that might be required for these impacts. In particular, acknowledging that, under the 'No Project' scenario, many existing wetlands will be lost to SLR; on the contrary, the 'Proposed Project' may cause short term losses but result in long term preservation and/or gains in wetlands and associated habitats, when compared to the 'No Project.' This paradigm should somehow be incorporated into the evaluation of proposed Projects, perhaps in an 'Alternatives Analysis' process, and in the calculation of required compensatory mitigation (if any). • Encouraging the development of regional mitigation banks/ILF programs designed to address CM needs for multi-benefit restoration projects; these 	<p>Given ongoing efforts such as the LTMS, IRT, and efforts to update and improve the application form, many of the points here are being addressed by current efforts. Regarding lobbying for CEQA/NEPA changes, this is not a role for public agencies.</p>

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		<p>banks/ILF programs would ideally have lesser hurdles to face to establish, differing structures, and lesser costs for the user - as compared to CM options for 'traditional development projects.'</p> <ul style="list-style-type: none"> • Promoting (lobbying for?) revisions to CEQA and/or NEPA exclusions and exemptions for multi-benefit restoration projects, to be less restrictive." 	
Other	ESA Associates	<p>"if it isn't in the works already, I suggest a BRRIT/PMT website be created, to share information about the 2 entities, the supporting/funding agencies, the BRRIT/PMT's members/staff (and how they were selected), the Project applications being reviewed by the BRRIT, and the new policy and permit developments in the works."</p>	<p>The BRRIT will include project tracking that will be available to the public, and the details are still being developed.</p>
Other	MTC	<p>"comment regarding the potential overlaps between the BRRIT and the ongoing RAMP/RCIS efforts. Has the PMT thought about a potential role for the BRRIT in perhaps reviewing the Regional Conservation Investment Strategies? Although the RCIS/RAMP efforts are different than the BRRIT, there may be overlaps that could help inform the BRRIT effort and potentially reduce some of the burden in information finding and analysis that the RCIS has already done. Kenneth Kao (kkao@bayreometro.gov) is the key contact for RCIS/RAMP for MTC if you'd like to pursue that possible nexus."</p>	<p>Yes, these and other similar statewide and regional efforts will be considered by the PMT as part of our ongoing commitment to better coordination. Item 3 will address this issue.</p>