

Update:
Habitat Goal Implementation Team
Fall 2012 Meeting
“Wading thru Regulation to get to
Restoration”

Jeff Horan, Habitat GIT Chair

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“Wading thru Regulation to get to Restoration”

- November 28, 2012 Cacapon State Park, WV
- Purpose: Reduce the amount of time needed to get permits approved for habitat restoration projects
- Presentations from regulators and practitioners with facilitated group discussion
 - Federal and state regulatory representatives
 - Five case studies presented by practitioners
- Drafted themes and suggestions into a letter to present to Nicholas DiPasquale and Management Board to guide further discussion

Consult Proactively

- Engage regulatory agencies early
 - Pre-application consultation
 - Both applicants and grant makers
- Need for a permit pre-application tool to standardize the level and type of information and data requested by regulatory agencies
- Useful to have a public database of projects that have been permitted or denied permits and the reasons for the decisions
 - e.g. Water Resources Registry

Create Clear Application and Review Processes

- Develop clear guidance and processes to assist applicants in preparing effective applications that are responsive to regulatory requirements
 - Written site, design, construction criteria
 - Permit application checklists
 - Define criteria that would allow innovative projects to get permitted
 - Provide training on regulatory process

Clarify Definitions and Manage Trade-offs

- Uncertainty centers around definitions of habitat types and trade-offs and understanding how to evaluate trade-offs is challenging
- Regulatory agencies developed processes (e.g. MD JE Committee) to address impacts and trade-offs with agencies responsible for multiple resources
 - No guarantee these forums will provide solutions. Additional processes need to be developed to assure timely integration of all necessary resource inputs

Pursue Options to Expedite Review of Restoration Projects

- Expedite review of projects that utilize common practices implemented by resource agencies
- General Permits developed with a “restoration lens”
- Consider agency co-sponsorship of projects to facilitate appropriate use of GPs and broaden array of eligible projects

Validate with Science

- Provide data and accurate information in pre-application consultation and formal application to support the overall rationale for the design and objectives of the project
- Concern that permit application requirements should not be more rigorous for restoration projects than development projects
- Develop new processes to apply advances in science and new tools to the regulatory and restoration process

Increase Understanding through Training and Education

- Training opportunities for permit applicants to improve quality and completeness of applications
- Coordination between regulators and practitioners to prepare guidance and training on regulatory requirements, innovative restoration approaches, and designs

Overall, we wish to foster a cooperative atmosphere among the regulatory and practitioner communities to create common understanding to not only meet the goals set by the TMDL, but also comply with other regulatory requirements.

Our Habitat GIT would like to remain engaged and await Management Board guidance for appropriate next steps.