Moving Past Planning: Permitting and Implementation of River Restoration with Mixed Jurisdictions

Emily Luscombe
Environmental Director
Coyote Valley Band of Pomo Indians, Redwood Valley, CA
epddir@coyotevalley-nsn.gov
Permitting Considerations

• Double check all jurisdictions and possible permits and double check with each of those agencies regarding whether or not you require a permit from them

• When you have state and federal jurisdictions on a project this can be difficult to determine and one person in an agency may not have the same opinion on how to proceed with the cross jurisdictional issues as another person in the same agency

• No matter how much time you think that you need for permitting make sure that you at least double that because when multiple jurisdictions are involved it gets complicated and lengthy
Working with Multiple Agencies

• Set a point of contact for the project so that all of the information coming from agencies doesn’t go only to the Tribal Chair who may not realize it’s part of a permit process (we have not personally had this issue, but have heard about it numerous times and we took the lesson and set up a point of contact immediately with all permit applications).

• Be a squeaky wheel. When you have multiple agencies working together that do not have a regular working relationship follow up can be required frequently to assist in the facilitation of their communication.
EA Process

• The Environmental Assessment process becomes more difficult when it is across jurisdictions because you have to comply with state (CEQA in our case) and federal guidelines (NEPA)

• A “lead agency” must be determined for both state and federal

• The state can be an issue if no state funding is provided, but some of the action occurs on state land you have to find a volunteer to be the lead agency for the state. This is still not fully determined in our case.

• When you have grants from multiple agencies for a large scale project you can reach a situation where no agency wants to be the lead agency. This is our current situation that we hope to soon resolve.
Partner with Others

- Having a good relationship with neighbors or anyone else deemed a stakeholder can be important in the public comment period for the permits and the EA.

- It is helpful to keep them informed of the project on a regular basis so this isn’t their initial notification.

- They may be required to write a support letter for you to one or more agencies in order for your project to proceed.

- You may be able to incorporate in to a larger watershed scale project if you are in contact with non profit organizations.
Have a Site Visit

• Host a site visit with all of the agencies involved in permitting so that they can get on the same page
• Pictures and permit applications only tell so much; seeing the site can be very helpful in the writing of their permits
• Having all the agencies together, particularly when you have state and federal cross over, can be really important for consistency
• This will help them to get on the same page for permit conditions so that you do not end up with conflicting BMPs
• In theory it may move the permit process along quicker
Fish and Wildlife made the first site visit in February 2018 as soon as the processed the first part of the application. They were also the first to issue a permit.
The second site visit included multiple agencies and help to get our permitting condition coordinated. This happened in March 2018. We had our consultants, engineers, biologist, and hydrologist attend. We also had the biologist and watershed manager attend from the Resource Conservation District. Our project officer attended from USEPA as well as the 401 certification staff. Two staff from US Army Corps of Engineers attended. The only state agency that attended this was the Water Resources Control Board 401 certification staff. We were in contact with NOAA and Fish and Wildlife regarding this meeting, but they were unable to attend. Our other granting agencies (BOR and BIA) provided information, but were unable to attend due to inclement weather.
Catch 22

• One of the issues with the permitting process is that they will want final design drawings, then they will want to make amendments
• They will want to talk to contractors, but they can’t be hired until the plans are final
• The plans cannot be completely final until permits are issued
• The lesson: make sure you have extra money for design revisions and plan time for the back and forth at this stage
The project is focused on a 60ft high bluff that is collapsing on the West Fork Russian River along a 900 foot stretch. Work is also being done 350 feet upstream to assist in the restoration.

The bluff is on Federal Trust Land, but the access point and the 350 feet upstream are on private land. This makes the project fall under multiple jurisdictions.

There are many factors contributing to the accelerated decline of the bluff. Most are related to human interference, drought, and climate change.

This threatens the Tribal homes as well as the anadromous fish habitat and river ecosystem as a whole.
January 2013 before the void began to form, but where you can see signs of previous collapse. February 2015 a large void over 15 feet high has formed and a triangular section of the bank has collapsed.
The voids can be seen as the water recedes after a storm in 2014. Long standing armoring of the opposing bank has contributed to the movement of the thalweg against the bluff. Lower right is shortly after the void collapse.
One storm in April 2016 removed a large portion of the void and caused major collapses along the bank. Most of the sediment was washed away, but 10 foot high piles remained at the base after the water receded.
What remains of the void after one mild late April storm. A large triangular section of the bank above the void collapsed and more of the void was lost.
Follow Up

• Keep all of your grantor agencies updated with the permitting process so that they can plan accordingly
• Give yourself time to do grant extensions if need be
• Keep checking in on the permits to find out what hang ups might be happening
• Use you resources and partners where needed for letters of support to move the process along and keep them updated
• Have project meetings with any consultants and design staff
Questions?