

MONTEREY COUNTY RESOURCE MANAGEMENT AGENCY

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MEMORANDUM

Date: November 5, 2015
To: Legislative Committee
From: Carl P. Holm, AICP, Director, Resource Management Agency
Subject: Regulatory Permitting Challenges - Flood Preparation (Talking Points)

At the October 5, 2015 Legislative Committee meeting, staff provided a report discussing regulatory challenges to flood preparation. Monterey County RMA collaborates with Monterey County Water Resources Agency on flood preparations. At that meeting the committee directed staff to develop an issues paper with key talking points that summarizes this issue for the committee and John Laird's office. Staff is returning to the Legislative Committee with the summarized talking points (Attachment 1) and to receive direction.

Attachment 1
Talking Points for Regulatory Challenges to Flood Preparation

TALKING POINTS ON REGULATORY CHALLENGES TO FLOOD PREPARATIONS IMPROVING THE PERMITTING PROCESS

OBJECTIVES

- Establish a single state lead agency for regulatory permitting
- Develop a hazard mitigation permit process
- Coordination and consistency between state agencies
- Reduce work delays, costs and time expenditures for public agencies

BACKGROUND

- To protect Monterey County communities, public infrastructure and natural resources from flood, the County works with state and federal agencies to obtain permits to address areas known to have flood issues in preparation for winter.
- County has encountered a number of situations working with the regulatory agencies that have caused delays and posed significant challenges to these efforts.
- The big picture issue with the state is that there is no lead state permitting agency, so applicants are left to deal with multiple agencies that do not coordinate or can disagree with each other. CCC has staff biologists and water quality specialists that overlap and do not always align with other state agencies (e.g. CDFW; Water Board).
- State agencies don't coordinate within agency (e.g. CDFW Regions; Water Board Departments). For example, much of the sediment and excess runoff that we are trying to mitigate flood impacts for and obtain permits is a result of erosion from farms that should be monitored and regulated by the Water Board as part of its Irrigated Lands Program (ILP).
- Joint Aquatic Resources Permit Application (JARPA) is supposed to consolidate federal, state, and local permit applications and simplify the permit process for applicants proposing construction. Still agencies require separate information for their agencies and don't coordinate.
- CDFW now requires conservation easements to manage ditches (e.g. Blackie Road)
- Another issue is that some agencies charge fees well beyond the cost to process a permit. On the other hand, Monterey County waives permit fees for public agencies.
- The results of these challenges are significant work delays plus cost and time expenditures taken away from accomplishing the actual work.

REQUEST

- Meeting or conference call with Secretary Laird.
- Establish a single lead permit agency. Develop a pre-impact hazard mitigation permit process and provide CEQA relief for flood preparations. Waive fees, except minor administrative fees to cover costs (e.g. advertise notice).

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