



Santa Barbara County Public Works Department
Flood Control ♪ Water Agency ♪ Project Clean Water

February 6, 2017

Little Hoover Commission
925 L Street, Suite 805
Sacramento, CA 95814

RE: Little Hoover Commission Review of State Permitting Issues

Commissioners,

The mission of the Santa Barbara County Flood Control District's (District) routine maintenance programs is to maintain the capacity of key watercourses in the County, to preserve existing conveyance capacity and prevent the accumulation of obstructing vegetation and sediments that could increase existing flood hazards that could then result in damage to life, and public property and infrastructure. The extent and frequency of maintenance are dependent upon many factors including the availability of funds from individual flood zones, the degree of flood hazard, and the environmental impacts of the maintenance actions. In addition to the maintenance programs, the District also builds Capital Improvement Projects to provide flood protection and reduced flood risk. All of our programs are developed with engineering and environmental staff working together to design projects that meet the objectives of the District and protect environmental resources. In addition to the Capital Improvement projects, the District has five long-term maintenance programs that have been successfully implemented for almost twenty-five years.

The District submits the following comments for the Commission to consider as they review permitting approaches of the Regional Water Quality Control Board (RWQCB) and the California Department of Fish and Wildlife (CDFW). The District has additional examples but in the spirit of brevity I have only provided a few.

I. RWQCB Cost of the 401 Water Quality Certification.

The fee calculator for the Water Quality Certification for discharge of dredged fill is based upon area of impact and is calculated by either linear feet of impact or acreage of impact as follows, with the maximum cost of a Certification not to exceed \$120,000. In each case the applicant is required to pay the higher of the two calculations for the Certification.

- a. Length of impact multiplied by \$8.10/foot or
- b. Acreage of impact multiplied by \$10,206/acre

The cost of a Certification is outrageous and not commensurate with the services provided by the RWQCB staff in terms of value added to the project, value of the services realized by the District, or the amount of staff time spent on a project.

Santa Maria Airport Ditch Improvement Project: A drainage improvement project on a roadside ditch that is 2300 linear feet or .53 acres of impact, most of which is temporary.

The calculation for the Certification cost for linear feet is \$18,630 and the cost for the acreage impact is \$5409. The District is required to pay the higher cost of \$18,630 for this Certification which is almost 3.5 times higher than the acreage calculation.

Unit II Capacity Improvement Project: A capacity improvement project on an engineered channel that will also result in an increase of 1 acre of California red-legged frog habitat. This project is 6200' long or 1.85 acres of impact, most of which is temporary. Cost of the Certification is either \$50,220 based upon linear feet or \$18,881 based upon acreage. Per the fee calculator, the District is required to pay the higher cost of \$50,220 for the Certification which is almost 2.6 times higher than the acreage calculation.

There has never been any documentation or justification provided by the RWQCB that demonstrates that the services provided by the RWQCB staff actually cost this much to provide. As a comparison, from a budget standpoint, the District staff uses the amount of \$136/hour for the cost of staff within the Environmental Group which manages all environmental regulation for the District. The manager and staff for this group cost-out at the same amount. The amount of \$136/hour includes all costs associated with the employee; salaries, benefits, vehicles, facilities, etc. If we use the same cost for RWQCB staff, the \$18,630, Certification would allow for 137 hours of staff time and the \$50,220 Certification would allow for 369 staff hours to work on these two projects alone! I can assure you that RWQCB staff does not spend this many hours on District projects.

The two examples above are for one-time construction projects and the District also manages multi-year maintenance projects that require the maximum amount of the

\$120,000 Certification not because there are a lot of impacts, but because they are linear projects in creeks and maintenance may impact many different areas over a 5-year period. Prior to the recent updates to the fee calculator, these same multi-year permits maxed out at \$90,000.

Annual Routine Maintenance of Creeks and Debris Basins: This 401 Certification, which will be renewed in the next several months, will now cost the District the maximum of \$120,000. Using the same \$136/hour for staff time for comparison, this would allot the RWQCB staff 882 hours of staff time over a 5 year period for management of this Certification, or 4.4 weeks of full-time work per year. Again, I can assure you that RWQCB staff does not spend close to this many hours on the District's Annual Routine Maintenance Projects.

The District has asked RWQCB staff in the Region 5 office to use discretion with public funds and allow for the lower payment. Staff will not pursue the use of the lower fee and say they have no ability to use discretion with the fees, nor do they have the mechanism to pursue changes to the fee calculator. Region 5 management staff suggested the District participate in the Fee Calculator update discussion meetings that were recently held which the District did by submitting questions during the public meetings and participating in the meetings via live web streaming. The District's questions regarding justification of costs, no acknowledgement of beneficial impacts, and the request that the lower fee be allowed from the fee calculator were provided no response during the public meetings. The only response given to the District was that the fee calculation update was being worked on.

The District questions whether Proposition 26 is being violated and highly encourages the Hoover Commission to research whether this is occurring.

In addition to the high costs of the Certifications, the permit process does not include any consideration of habitat value being impacted or replaced which in turn relates to whether a permit in low value habitat should cost as much as a permit in a higher value habitat. This also directly relates to the amount of time a staff member should have to spend on a Certification to ensure water quality and other resources are being protected. As an example, the Santa Maria Airport Ditch project is a sandy roadside ditch next to a busy 4-lane road in a developed area with only a very small amount of impact to seven non-sensitive native shrubs. The remaining area is either bare or vegetated with non-native ice plant, yet the calculation for the cost of this Certification is simply based on linear feet or acreage of impact, regardless of resource values, surrounding conditions, or what may need protection from the Clean Water Act aspect. For the Unit II Capacity Improvement Project, the beneficial impacts include creation of 1 acre of new red-legged

frog habitat and no loss of existing red-legged frog habitat, yet there is no acknowledgement or “credit” given to the District for the beneficial impacts realized by the project.

In the end, the cost of RWQSB 401 Certifications are outrageous, unjustified and should be reviewed, especially as it relates to public agencies costs for these Certifications.

II. Annual Discharge fee for 401 Water Quality Certifications.

The RWQCB has recently sent the District an invoice for an Annual Active Discharge Fee associated with a multi-year 401 Water Quality Certification. The text in the fee calculator and associated text in the letter that accompanies the discharge fee invoice reads as follows:

Dischargers shall pay an annual active discharge fee each fiscal year or portion of a fiscal year during which discharges occur until the Regional Board or the State Board issues a Notice of Completion of Discharges Letter to the discharger.

The recently received invoice is for the amount of \$720 for our Carpinteria Salt Marsh Maintenance Project. We have a 5-year 401 Certification for this project. We have not implemented any maintenance at this project site since receiving the Certification as this is an as-needed maintenance program, therefore no discharges have occurred. District staff contacted Region 5 RWQCB staff to remind them that no discharges have occurred and staff said that the payment was still required even though the text in the letter and on the fee calculator clearly states, “during which discharges occur...” RWQCB staff are unable and unwilling to question the appropriateness of such a fee and resort to simply telling us that we need to pay the invoice with absolutely no explanation or acknowledgement that it makes no sense for us to do so given the written explanation in the letter and on the fee calculator. Additionally, staff at the Region 5 office do not know who at the State Water Resources Control Board this sort of inquiry needs to be referred to. There seems to be no one in charge of the bureaucracy and no one of authority to address problems within the organization.

The Carpinteria Salt Marsh Certification pre-dates the recent fee calculator updates and the District paid the maximum value of \$90,000 for this 5-year permit. There is no justification that the RWQCB needs this payment to support any staff involvement on this project. Using the same \$136/hour for staff time costs, this Certification would essentially pay for 661 hours of staff time over a 5 year period or 132 hours a year. Again, there is no justification for a yearly annual discharge fee for a project that, #1 has not resulted in any discharges and #2 a project that paid \$90,000 for a Certification.

III. RWQCB 401 Water Quality Certification is not designed for Maintenance or Capital Improvement Projects.

The Certification process is designed for one-time private development's that are designed to make a profit and the public agencies are forced into a system that is overly priced, unjustified, and an inappropriate use of public funds.

The 401 Water Quality Certification process should be revised to have a specific fee calculator for public projects that are Capital Improvement Projects and a separate fee calculator for maintenance projects. The fee calculators should be based upon staff hours needed to produce the permits rather than based upon area of impact. Charging for staff time on a project is a common practice at the County level and occurs within the District as well as the Planning Department of Santa Barbara County. The fee calculator should also have a mechanism to incorporate and acknowledge beneficial impacts of projects. Our Unit II Channel Capacity Improvement Project creates 1 acres of new California red-legged frog habitat and our Santa Maria Airport Ditch Improvement Project will greatly reduce erosion into the watercourse. In neither case do these beneficial impacts allow us to reduce the cost of our permits.

IV. Recent 401 Water Quality Certification Fee Updates

As mentioned above, when District staff asked Region 5 staff to accept the lower of the two calculated fees for a 401 Water Quality Certification and discussed our concerns with RWQCB staff about the flaws in the permitting process and fees, RWQCB staff simply referred us to the recent process of updating the fee calculator that the State Water Resources Board was pursuing. The District submitted letters and questions to the Fee Branch of the State Water Resources Control Board in Sacramento and participated in the web-based public meetings, even submitting questions to staff in real time via email during the public meeting. The District had absolutely none of our questions answered and were instead told during the meeting that the Fee Calculator Updates were being considered and worked on. After the fee calculator was updated on the website, it became clear that none of our concerns were addressed or seemingly considered and the Fee Calculator remains incredibly flawed. We have been unable to receive any explanation from staff on how our concerns were considered or why the types of changes we suggested were not realized. The bureaucracy of the Regional Boards and State Board allows staff to be unresponsive to inquiry.

The fee calculator discrepancy between the linear foot versus the acreage calculation has not been fixed but instead the State Water Board has simply shifted numbers around (by reducing the linear fee and increasing the acreage fee) to make the difference between the two calculations not as wide. They have also not provided any explanation as to why the fees are set as they are.

Additionally, while the old fee calculator had the permit maximum cost at \$90,000, the new fee calculator has the maximum fee of \$120,000. Examples are as follows:

The old fee has the linear feet calculation of \$13.50/foot or \$5670/acre

The new fee has the linear feet calculation of \$8.10/foot or \$10,206/acre

As shown, while the linear foot calculator has been reduced, the acreage calculator has almost doubled. The fees remain outrageous and unjustified.

Santa Maria Airport Ditch: 2300' long and .52 acres of impact.

Old Fee Calculator: \$31,050 (length) or \$2948 (acreage). Length cost is 10 times as expensive as the acreage calculation cost. The "updated" fee calculator has this same project costing out at \$18,630 (Length) or \$5,301(acreage). Length cost is still more than 3 times as expensive as the acreage calculation and the District is still required to pay the more expensive of the two fees.

Unit II Capacity Improvement Project: 6200' long and 1.85 acres of impact.

Old Fee Calculator: \$83,700 (length) or \$10,490 (acreage). Length cost is 8 times as expensive as the acreage cost. The "Updated" fee calculator has this same project costing out at \$50,220 (length) or \$18,881. The length calculation is almost 3 times as expensive as the acreage calculation and the District is still required to pay the more expensive of the two fees.

Annual Routine Creek Maintenance and Debris Basin Maintenance Project: This is a 5-year permit that due to the linear distance of all the creeks that may be maintained, the District is required to pay the maximum fee for the 401 Certification. The old Fee Calculator maximum was \$90,000 and the "Updated" Fee Calculator maximum is \$120,000.

There is simply no justification as to why a linear project would automatically need a permit that costs more than a project that is not linear.

V. CDFW Documentation Fee for California Environmental Quality Act (CEQA).

When a CEQA Document is submitted to the State Clearinghouse, a document fee of either \$2216.25 for Mitigated Negative Declarations or Negative Declarations or \$3078.25 for Environmental Impact Reports is required to be submitted to the CDFG. The CDFW rarely, if ever, actually provides comments on Draft CEQA documents, which would be the appropriate time to provide comments. Once the document is finalized and a permit is being applied for, CDFW staff often tries to impose additional mitigation measures above what is discussed in the environmental document, try to place additional conditions on the project and/or try to force design changes on the project after it has been finalized and gone through the CEQA process.

On the rare occasion that the District has received a comment letter on the draft document, the staff person issuing the permit is not the same person who wrote the comment letter, therefore there is no consistency across staff members on CEQA documents.

When the District has questioned staff on increased mitigation measures or design changes written into permits by CDFW staff, CDFW staff have replied by saying, "It doesn't matter what the CEQA document says, I can add whatever I think is needed to the permit".

Lower Mission Creek Flood Control Project: The LMC Project is a capacity improvement project that has been on the books for almost 25 years and has had a lot of scrutiny, design discussions, negotiations, and subcommittees over the years. Several years ago, the project design was agreed upon by local interests and regulatory agencies. CDFW was involved with all the negotiations with design and mitigation. When the District applied for a project permit, the CDFW staff member tried to impose additional mitigation measures /restoration ratios onto the project even though the staff member was told that CDFW had been involved with the project for many years and the project has mitigation/habitat areas already built into the project design. The District successfully negotiated the exclusion of mitigation ratios from the SAA but the CDFW staff member insisted on including tree replacement ratios in the permit and told the District to just ignore them but would not remove this standard condition. The project continues on with the original designated habitat areas but without acknowledgement to any tree replacement ratios because they are irrelevant.

IF the CDFW is going to charge a fee for environmental document review as part of the CEQA process then they should be providing the service in a meaningful manner. Additionally, if the person reviewing the environmental document is not the same person that will be issuing the permit, then the reviewer should be working directly with the permitting person to ensure consistency across the Department. Public agencies are being forced to pay a fee and are not receiving the associated service.

VI. CDFW: No Scientific Justification for Some Permit Conditions.

CDFW staff has included permit conditions that the District has asked for scientific justification for and CDFW staff has either stalled and not provide the requested justification or have simply said they do not need to provide justification. When this was referred to a supervisor, the senior staff member at CDFW provided the following response when justification for a permit condition was requested by the District.

"We don't have any scientific studies in-hand that provide justification for all our Agreement conditions. Perhaps there was at one time, which was used to develop the conditions approved by our Headquarters, and used by our Streambed Scientists. I agree that it would be good to

achieve clarity on this particular issue, but it is not the Department's function to justify or defend permit language or standards for applicants. We would welcome any scientific evidence that proves otherwise, but we do not have time to go through a fact-finding mission for a condition because it is difficult to implement."

In our case, the most recent condition involved a staff member's requirement that the District not pour concrete if rain is forecast within 15 days and to isolate any concrete from water for 30 days in order for the concrete to harden and cure because CDFW is concerned about leachate coming off of concrete that would affect the pH of the surrounding water and impact aquatic organisms.

While the supervisor implies that conditions are created and approved by Headquarters, it has been the District's experience that individual staff members create their own conditions as well. The CDFW staff member who wrote this condition said she saw a study that supported this requirement but this staff member cannot produce any such study for our review. The District has done extensive research on concrete and cannot find any references to concrete needing to be isolated from water for 30 days to protect from leaching of chemicals. Any references to waiting 30 days is for hardening of concrete to maximum engineering strength standards, not to protect from leachate. According to industry professionals, concrete becomes inert and hard within hours of a pour for all applications that the District would use it for. We have provided information to the CDFW along these lines and they refuse to change the wording of the condition. Instead they have included the option for us to test the water pH and then isolate the site if pH is within dangerous limits. This is what we are forced to do and it will simply add costs to a project that shouldn't be required. We don't anticipate needing to isolate concrete because their condition is incorrect, but we will still have to provide testing.

Additionally, the use of a 15 day forecast to predict rainfall and whether to pour concrete is absolutely unreasonable and has no merit. Firstly, a forecast 15 days out is almost completely unreliable and they don't really even exist. Secondly, the "forecast of rain" must be more thoroughly defined to be meaningful to how rain may affect field conditions. The District cannot stall or shut down a construction site simply on an undefined "forecast".

The restrictions CDFE apply to concrete are incredibly costly, time consuming, and without merit.

VII. Large Amounts of Staff time Negotiating and rewriting permit conditions.

For both the RWQCB and the CDFW permits, the District now requests draft permits to provide comments on. Between the time of receiving the draft permit and completing the final permit, several months are needed to provide comments, discuss comments, and negotiate alternate wording or deletion of conditions, with District staff often providing re-written conditions that are eventually included in the final permit. Inclusion of unwanted conditions fit into several categories, some of which are irrelevant conditions for a particular project, inappropriate

requirements assigned to a project, or poorly worded conditions with undefined parameters that leave a project subject to unreasonable delays.

- a. Irrelevant conditions: Goleta Slough Dredging Program. The Goleta Slough Dredging Program is a program that has been in place for 25 years and includes hydraulic desilting of several channels. Hydraulic desilting requires work with a floating dredge in a completely wetted channel. When the District recently renewed the CDFW permit, the following conditions were included in the draft permit:

Storm season: The Permittee's activities within the stream course shall be limited to the dry period of the year from May 1 to December 1 or when the stream is not actively flowing, or at its lowest flow, and no measurable rain is forecasted within 48 hours. If measurable rain is predicted within 48 hours during construction, all activities shall cease for the season, or if before December 1st, until storm flows have returned to pre-storm conditions, and protective measures to prevent siltation or erosion shall be implemented/maintained.

Aquatic organisms: Vehicles shall not be driven or equipment operated in water covered portions of a stream or lake, or where wetland vegetation, riparian vegetation, or aquatic organisms may be destroyed, except as otherwise provided for in the Agreement.

Another issue with the Storm Season condition is that it is an example of a condition that is too vague for the needs of a project. The requirement to cease all work if a storm of measurable rain is forecasted in 48 hours is so vague and unworkable in the real world of trying to get a project done. What is "measurable" rain? Additionally, while I recognize that general work windows can be important for resource protection, the date of Dec 1 for a defined break in the work window is completely arbitrary, is not based on field conditions, the first part of December can be completely dry, and this project is occurring in a wetted channel by definition. This particular staff person is experienced in this area and has worked for the Department for many years, yet this staff member refuses to step outside of standard condition language. This, in the end, costs CDFW and the District much more staff time to complete a permit.

After much discussion and negotiation, the conditions were changed as follows and were, for the most part, rewritten by District personnel:

Storm Season: Permittee's activities within the stream course shall be limited to Sept 15 to March 1 for the desilting and hydraulic desilting and October 15 to March 1 for Each nourishment activities, or when flows do not exceed 20 cfs at the Maria Ygnacio guage, dredging operations shall be limited to no more than 10 hours/day in the event that stream flow velocity within Maria Ygnacio is between 10-20 cfs. In the event that stream flow velocities exceed 20 cfs, then dredging operations shall cease until stream flow velocities decrease to 20 cfs or less. If rain which can increase flows above 20 cfs in Maria Ygnacio is predicted within 24 hours during construction, all activities shall cease until storm flow have returned to pre-storm conditions and protective measures to prevent siltation or erosion shall be implemented/maintained. If a wildland fire or an unusually sediment event occurs, the District may desilt a second time prior to March 1st with the approval of CDEFW as long as no steelhead are migrating.

Aquatic Organisms: Vehicles shall not be driven or where wetland vegetation, riparian vegetation, or aquatic organisms may be destroyed, except as otherwise provided in this Agreement.

- b. Inappropriate requirements assigned to a project: Goleta Slough Dredging Program
When the District recently renewed the CDFW permit, CDFW staff placed the following new condition into the draft agreement:

Yearly surveys: Yearly steelhead and goby surveys shall be completely by a qualified fisheries biologist, approved by the Department and NOAA in the years that dredging is required. A report shall be submitted to the Department 30 days after of completion of the surveys, along with the field notes. Juvenile snorkel surveys shall be done once per month during fry emergence and the juvenile rearing season, from March to June if dredging is done during migration.

This condition is inappropriate for many reasons, one of which is that the District works with the USFWS and NMFS for the regulation of federally listed species and we have all the required permits and conditions related to the protection of tidewater goby and steelhead. We assume presence of both of these species, as we know they occur within the Goleta Slough, and if they are there, they can easily just swim out of the way of our project and the project has mitigation measures built into the design. The likelihood of actually seeing a steelhead during a survey is incredibly remote given the field conditions and size of the Goleta Slough and the only way to survey for tidewater goby would be to do seine netting which can stress the fish. Surveys would simply be an incredibly costly way for the District to pay for the CDFW to obtain species information that is not essential for the protection of species during implementation of this project. CDFW is not the agency who should be placing additional regulations on federally listed species. Additionally, the requirement for yearly surveys of these two species is physically, financially and logistically unrealistic. The new requirement for these surveys by CDFW staff was included in the permit because, as the staff member said, "I think it would just be a good idea" and we had to spend staff time convincing her that this is not appropriate.

The condition was eventually changed to this:

T&E species surveys: An incidental Take Permit (ITP) from the Department may be required if the project, project construction, or any project-related activity during the life of the project will result in "take" as defined by the Fish and Game Code, of any species protected by CESA (FGC Section 86, 2080, 2081, subd. (b)(c)). If it is determined later that rare, threatened or endangered species occur within the proposed work area, within 500ft, or could be impacted by the work proposed, Permittee shall cease immediately all activities and consult with the Department and obtain any required State and/or Federal permits, and or submit plan to avoid impacts.

This revised condition appropriately addresses the CDFW's concern with State listed species while not requiring the District to pay for and provide data collection simply for the sake of data collection.

- c. Large amounts of staff time negotiating and rewriting permit conditions so they make sense.

Unit II Capacity Improvement Project:

This is a capacity improvement project within an engineered channel containing no steelhead habitat. This channel drains into the Santa Maria River via a box culvert and round culvert. The Santa Maria River is almost always dry and rarely holds flow. By definition, it is considered steelhead critical habitat, but the likelihood of steelhead occurring is extremely low and the likelihood of steelhead being able to even get to the confluence with Unit II Channel is even less remote due to flow regimes and field conditions.

CDFG staff were convinced that they needed to include stringent steelhead design and protection conditions in the draft permit and displayed a disregard for the District's local expertise of the system and resources in question. It took hours of discussion and re-writing of the permit conditions to come to a compromise. The rewritten conditions includes the requirement for fish survey and the District went ahead and agreed to this just to get the permit finalized mostly because we know the likelihood of ever seeing a steelhead in this area is incredibly low. It was unfortunate that this discussion took so much staff time when the condition is not relevant to this project. There are times when regulatory staff are simply incorrect in their assessment and support from senior staff to change conditions is lacking.

In some situations, the District is unable to negotiate a rewritten condition and is forced to sign a permit containing undesirable conditions in order to move a project forward. In some cases, where implementation of a condition as written is unreasonable, the District will use professional judgment that protects the resources but ignores the condition as written.

Annual Routine Maintenance Plan: RWQCB permit renewal, draft permit with poorly written condition.

Draft Condition: Vegetation Management: The District shall develop a vegetation management plan specific to Santa Barbara County waterbodies, riparian and wetland areas and wildlife, for approval by Central Coast Water Board staff. The vegetation management plan shall focus on developing a mature and complex riparian canopy and corridor comprised of native species that stabilize stream banks, a transitional border between in-channel and upland habitat, provide habitat functions and support beneficial uses, and reduce the need for future in-channel and bank vegetation maintenance.

The District provided RWQCB Staff with the following comment and followed up with a more in-depth discussion.

District Comment: Please explain what you mean by a “transitional border between in-channel and upland habitat. This simply sounds like bank vegetation which we do not remove. As stated prior, the District completely disagrees with any reference to an overall requirement to reduce maintenance. RWQCB is arbitrary and unjustified in this requirement. We have agreed to describe the areas and reasons why repeat maintenance occurs and where possible affect change, however this specific requirement for overall reduction for in-stream maintenance is unacceptable and needs to be removed from the Certification.

The Final condition was rewritten by the District and accepted by the RWQCB.

Vegetation Management

1. All vegetation management activities shall be planned based on the impact avoidance and minimization approach described in the planning steps for developing annual maintenance in the District's *Annual Routine Maintenance Plan History and Process*.
2. Vegetation management shall focus on developing a mature and complex riparian corridor comprised of native species that stabilize stream banks; a transitional area or habitat between emergent in-channel vegetation and more upland riparian species; and taller, larger upland riparian species forming a canopy that provides contiguous shade. The corridor shall help to reduce the need for future in-channel and bank vegetation maintenance.

VIII. Renewal of Long-term Maintenance Program Permits

The District has five separate long-term maintenance programs that have each been implemented for over 20 years. These projects have proven track records of good resource protection, minimization, avoidance, successful restoration for mitigation, as well as consistent monitoring and reporting yet each time the District is required to renew a permit (which are 5-year permits for both agencies) with the RWQCB or CDFW, it is always difficult and requires many hours of District staff time (and equally Agency staff time) to work through the renewal process. District staff are often working with Agency staff who are new and have no history of the District or individual projects and often try to ratchet the project down in scope, impose new conditions that aren't justified, and simply don't trust the District's history and explanations of our projects. The District is often at the whim of a new staff member's ideas of how things should be done rather than the agencies respecting the track-record of these 20+ year proven programs. The District fully understands that as new agency staff work on our projects we need to provide history and specifics on how and why we implement certain practices. The expectation is that agency staff, in-turn, respect our expertise, history, and mission and don't continue to limit the

scope of our programs with additional conditions when the current program has proven itself. Most often, renewal of permits for these programs takes longer than getting the original permit.

The District is committed to continue working with all regulatory agencies to protect resources. Please consider the District's experiences and comments when developing ideas to improve the permitting approaches of the RWQCB and CDFW. Unfortunately, the bureaucracy of the agencies and isolation of individual staff working on permits and isolation between regions allows for a permitting system that is immune to meaningful scrutiny, and lacks peer review and standardization. The agencies contain dedicated, smart individuals who want to protect the State's resources. The District respects this and is also very interested in protecting resources. The District encourages strategies that would reduce the isolation between regions as well as isolation between individuals within these organizations so positive change can occur to streamline the permitting process while still protecting resources. Additionally, the District thinks it is imperative that the fees associated with RWQCB 401 Certifications are thoroughly reviewed and revised.

The District would be glad to answer any questions regarding our programs and permitting and invites any Commissioners to Santa Barbara to learn more about our programs first hand.

Sincerely



Maureen Spencer
Operations and Environmental Manager