



ENVIRONMENTAL POLICY  
**INNOVATION**  
CENTER



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# More Nature, Less Paperwork

Insights from Research on Streamlining Permits for Restoration Projects

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*Becca Madsen*

National Conference on Ecosystem Restoration

April 2024



# Why EPIC Cares about Restoration Permitting Timelines

Projects restoring environmental damage



“Sometimes, fully one-third of public funding for a restoration project goes to planning and permitting...” ([Cutting Green Tape](#))

Projects damaging the environment

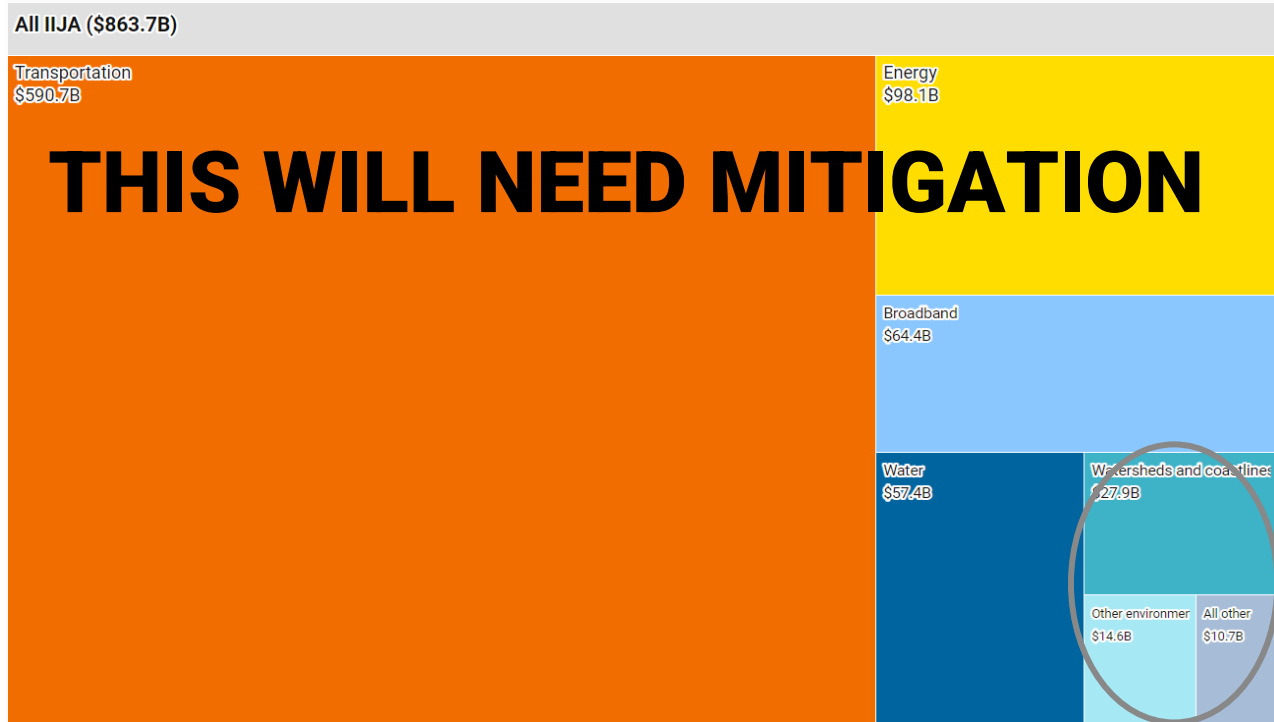


Photo credit: [NPS](#) (L), [DoD](#) (R)



# Once-in-a-Generation Investment

## Infrastructure Investment and Jobs Act



Source: [Congressional Research Service, Oct 2022](#)



# Mitigation Banks Permanently Protect

614,000 acres of wetlands and 2,443 miles of streams

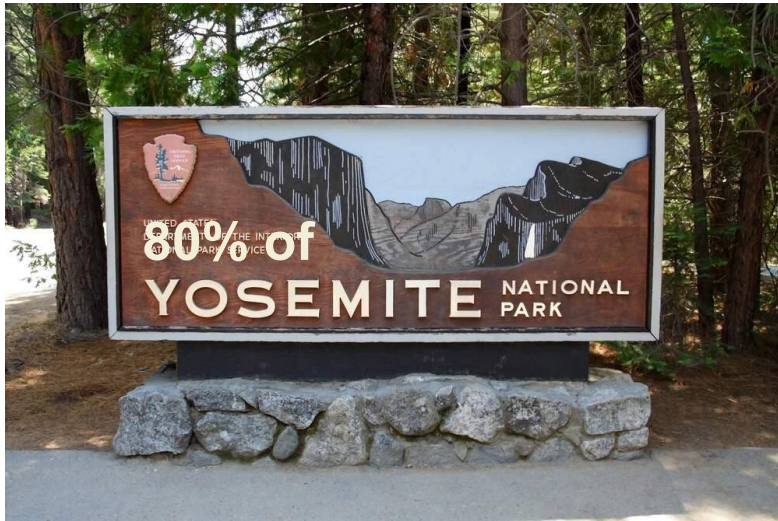
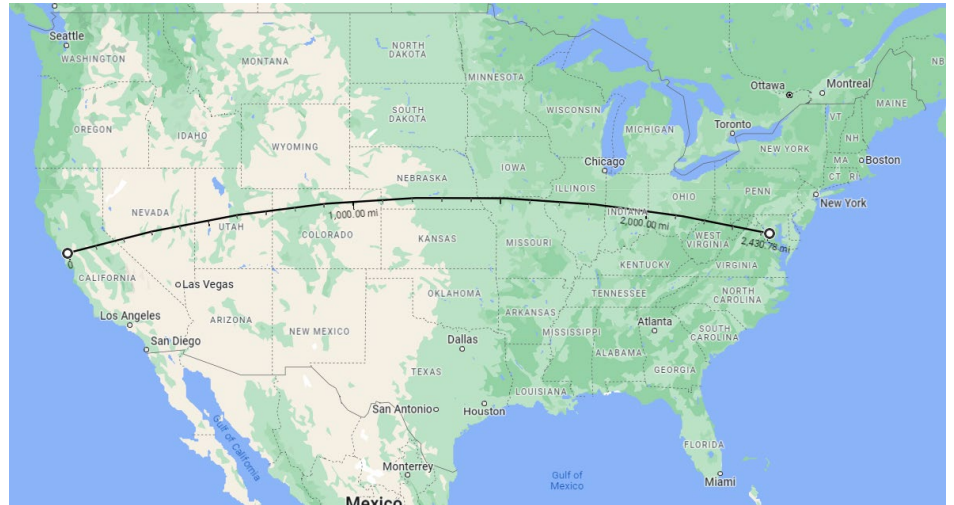


Photo credits: [Yosemite sign](#), Google maps [measure feature](#)

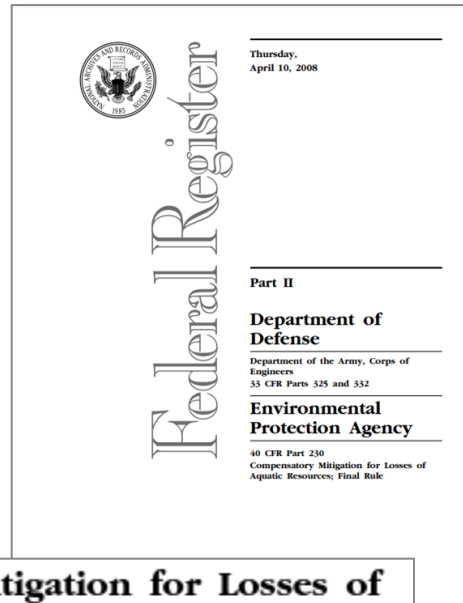


Data source: [RIBITS](#), Mitigation Type Summary Report, Acres/Linear Feet of Wetlands & Stream Mitigation Methods, accessed Sept 2023



# Timelines to Approval – Required in 2008 Rule

- 225 days



**Compensatory Mitigation for Losses of Aquatic Resources; Final Rule**

DA permits. This initial evaluation letter must be provided to the sponsor **within 30 days** of the end of the public notice comment period.

accompanied by appropriate documentation. The district engineer must notify the sponsor **within 30 days** whether or not a submitted prospectus is complete. A complete prospectus

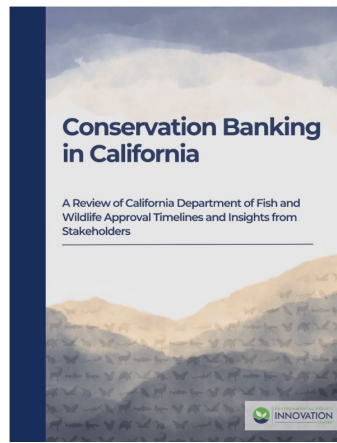
*And more...*



# Q: How long does it take to permit mitigation banks?



A: Too long.



## CAPTAIN OBVIOUS



# Time to permit a wetland restoration bank – 1,099 days

225 days regulator processing  
(required in 2008 Rule)

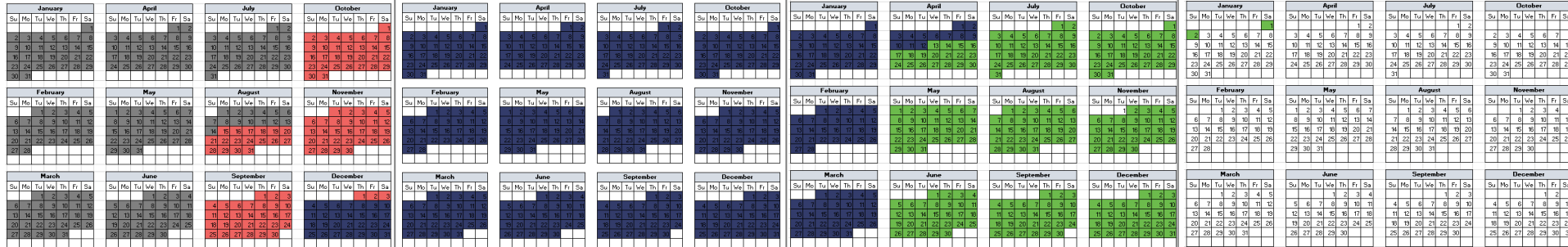
+495 days restoration  
company processing

Year 1

Year 2

Year 3

Year 4



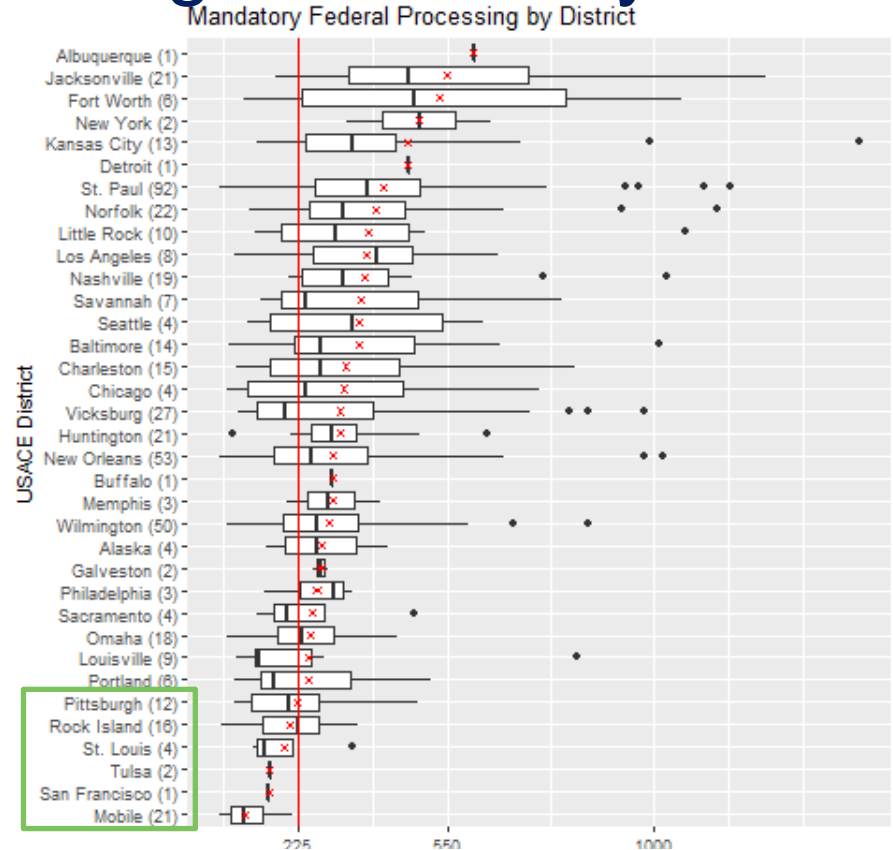
+111 additional days of  
regulator processing

+267 days shared/joint processing



# Differences by District – Average Mandatory Processing Time

- Yes, there are differences by District
- Districts meeting 225-day deadline on average
  - Mobile: 112
  - San Francisco: 162
  - Tulsa: 164
  - St. Louis: 195
  - Rock Island: 208
  - Pittsburgh: 223



Note: Chart is ordered by average. Boxplot bar indicates median, red X indicates mean.

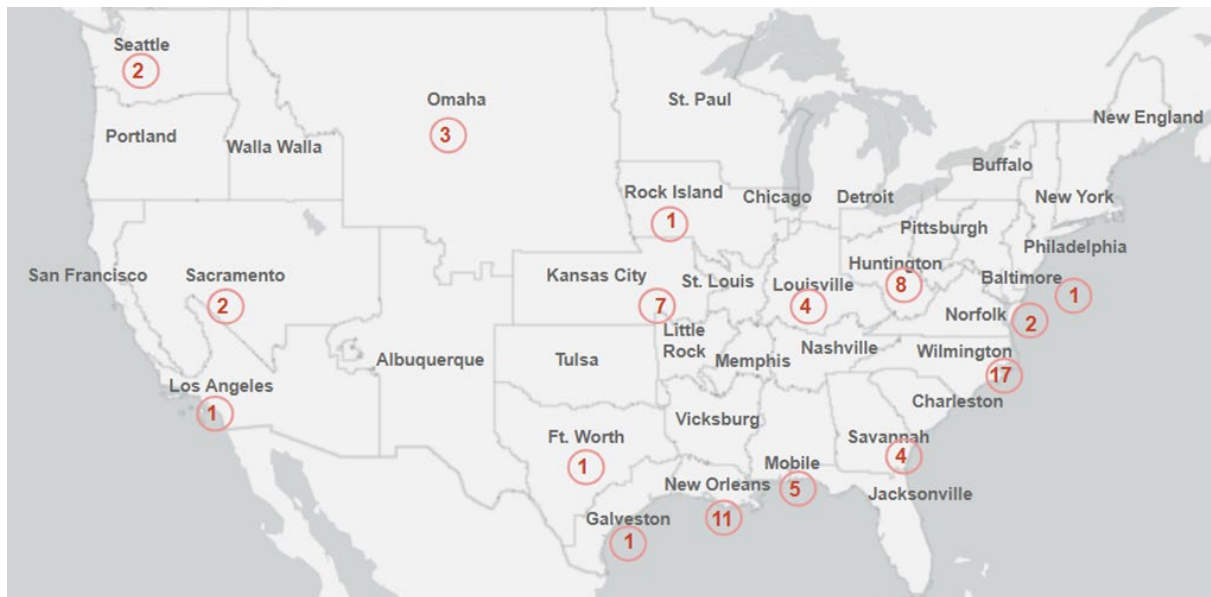




# Pt 2 - Qualitative Analysis



Interviews with 19 sponsors representing 70 banks in 17 Districts



*\*Report only includes the perspective of sponsors\**

# Your Bottlenecks to Restoration Permitting



[PollEv.com/bmadsen818](https://poll-ev.com/bmadsen818)



# Bottlenecks Identified in Research

## THE BOTTLENECKS

Interviewees identified the 'top 3' factors that created delays in the approval process.



*"We gave up on thinking there's deadlines."  
- Anonymous interviewee*

*"The larger issue is that staffing and expertise is paper thin."  
- Anonymous interviewee*

# Solutions Collected in Streamlining and Pay for Success Database



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## Pay for Success & Streamlined Permitting Database

The below table is a compiled list of Pay for Success and Streamlined Permitting initiatives at both the state and federal levels. The table is filterable. Pull down the various dropdown menus to narrow your results.

### FAQs

- + How do I filter the data?
- + How can I download the data?
- + There's something missing! How can I propose additions to the data?
- + Who can I contact to learn more about Pay for Success or Streamlined Permitting?

Title	Location	Topic	Type	Keywords	Text Body
1 2015: HB 3014 Administration of "pay fo...	Texas	Procurement	Legislation & Policies	Trust Pay for Success	H.B. 3014 permit...
2 2017 HB596: Provides relative to the con...	Louisiana	Procurement	Legislation & Policies	Coastal Protection Pay for Success	Gives specific auth...
3 2019 HB2670: The Pay for Success Act	Oklahoma	Procurement	Legislation & Policies	P3 Social Service Pay for Success	"This bill encourag...

[bit.ly/EPICdatabase](https://bit.ly/EPICdatabase)

# Pathways



1. Evaluate State Permitting
2. Create a Categorical Exclusion / Programmatic Analysis
3. Create a Programmatic Biological Opinion
4. Use Nationwide and Regional Permits
5. Create a Dedicated / Rapid Response Permit Review Team
6. Use Technology for Permitting Efficiencies, Transparency, and Accountability
7. Systematically Streamline Multiple Permits - California's Cutting Green Tape Initiative
8. Address Funding for Permit Staff and Prioritize Timeliness
9. Coordinate Multi-Agency Reviews
10. Front-End Streamlining through Permittee Training, Technical Assistance, Accountability, Certification, Templates & Checklists
11. Limit the Scope of What is Required, Limit Lawsuits
12. Additional Streamlining Ideas

**FUNDING NATURE, NOT PAPERWORK**  
Policy and Programmatic Pathways to Speed Restoration Permitting

 ENVIRONMENTAL POLICY INNOVATION CENTER

**BACKGROUND**  
Lawmakers around the globe have committed to restoring 50% of the world's degraded ecosystems by 2030. The costs of permitting have grown up to 1% of a restoration project's budget. We need money to go to Nature, not paperwork. Over the past two years, the Environmental Policy Innovation Center (EPIC) has quantitatively and qualitatively analyzed policies and processes related to permitting restoration projects (see summary on p. 4). Our consensus theme is our research findings to find the permitting process generally inefficient and often results in long project delays. The objective of this memo is to advance multiple pathways to speed permitting and excerpts from enabling policy text. These excerpts could be taken and replicated in other contexts.

**Pathways to speed restoration permitting:**

1. EVALUATE STATE PERMITTING
2. CREATE A CATEGORICAL EXCLUSION / PROGRAMMATIC ANALYSIS
3. CREATE A PROGRAMMATIC BIOLOGICAL OPINION
4. USE NATIONWIDE AND REGIONAL PERMITS
5. CREATE A DEDICATED / RAPID RESPONSE PERMIT REVIEW TEAM
6. USE TECHNOLOGY FOR PERMITTING EFFICIENCIES, TRANSPARENCY, AND ACCOUNTABILITY
7. SYSTEMATICALLY STREAMLINE MULTIPLE PERMITS
8. ADDRESS FUNDING FOR PERMIT STAFF AND PRIORITIZE TIMELINESS

**1. EVALUATE STATE PERMITTING**  
Our research has found that multiple state permitting efforts began with an isolated order or case legislation requiring an evaluation and set of recommendations for streamlining permitting. The purpose of the evaluation can be specific to increasing restoration (e.g. CA Executive Order N-82-20, 2020; ME 181 869, 2022), broader environmental permitting (e.g. LA SB 202, 2020), or can be an evaluation of all state permitting (e.g. VA HB 244, 2022).

**Excerpt of Text from CA Executive Order N-82-20, 2020**  
"3. To advance efforts to increase biodiversity, the California National Resources Agency is directed to take the following actions to reduce permitting and restore: a. Implement actions to increase the pace and scale of environmental restoration and land management efforts by accelerating the state's process to approve and facilitate these projects."

**Excerpt of Text from MD HB 869, 2022**  
"SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND: That (a) The Department of Environment and Waterways Program Divisions shall conduct a comprehensive study, analysis, and evaluation of: (1) state statutes and regulations that affect permitting or completion of ecological restoration projects permitted by the Divisions; (2) the permit and permit review process for ecological restoration projects in the state; (3) the average time it takes between project submittal or project approval for an ecological restoration project in the state compared to other states; and (4) the efficiency and effectiveness of the current joint application permit and permit review processes and current common incentives to watershed-based stream restoration. (b) The Divisions shall develop legislative and regulatory recommendations based on the results of the comprehensive study, analysis, and evaluation required under subsection (a) of this section, including details on when the final report should include (i) justifications to report to the Assembly."

**2. CREATE A CATEGORICAL EXCLUSION / PROGRAMMATIC ANALYSIS**  
In the context of the National Environmental Policy Act (NEPA), a categorical exclusion, or CATEX, defines a group of projects that are determined to have little to no impact and therefore can be exempt from certain regulatory requirements which encompasses the approval process. NEPA has benefits of saving CA DWR and state wildlife at the Fiscal Responsibility Act of 2023 allowed one agency to use an existing CATEX of another agency. There are also CATEXs for state versions of NEPA. California's Streamly Exemption for Restoration Projects exempts CEQA requirements for restoration projects that meet certain criteria and Washington's Fish Habitat Enhancement Projects exempts fish habitat projects from the state's NEPA (CA SB 158, 2021, and WA SB 6030, 1999).



**Learn**



**Combine analyses for bigger picture review**



**Allow categories of projects to receive simpler or no analysis**



**Problem solve and elevate**



**Basic resources**



**Better analysis and data**



**Leadership**

**Evaluate permitting**

**Programmatic biological opinion**

**Categorical exclusion**

**Dedicated, rapid-response, problem solving teams**

**Funding for permit staff**

**Technology for efficiency and transparency**

**Prioritize deadlines**

**Study steps in federal processes**

**Programmatic analysis**

**Nationwide and regional permits**

**Coordination of multi-agency review**

**Technical assistance**

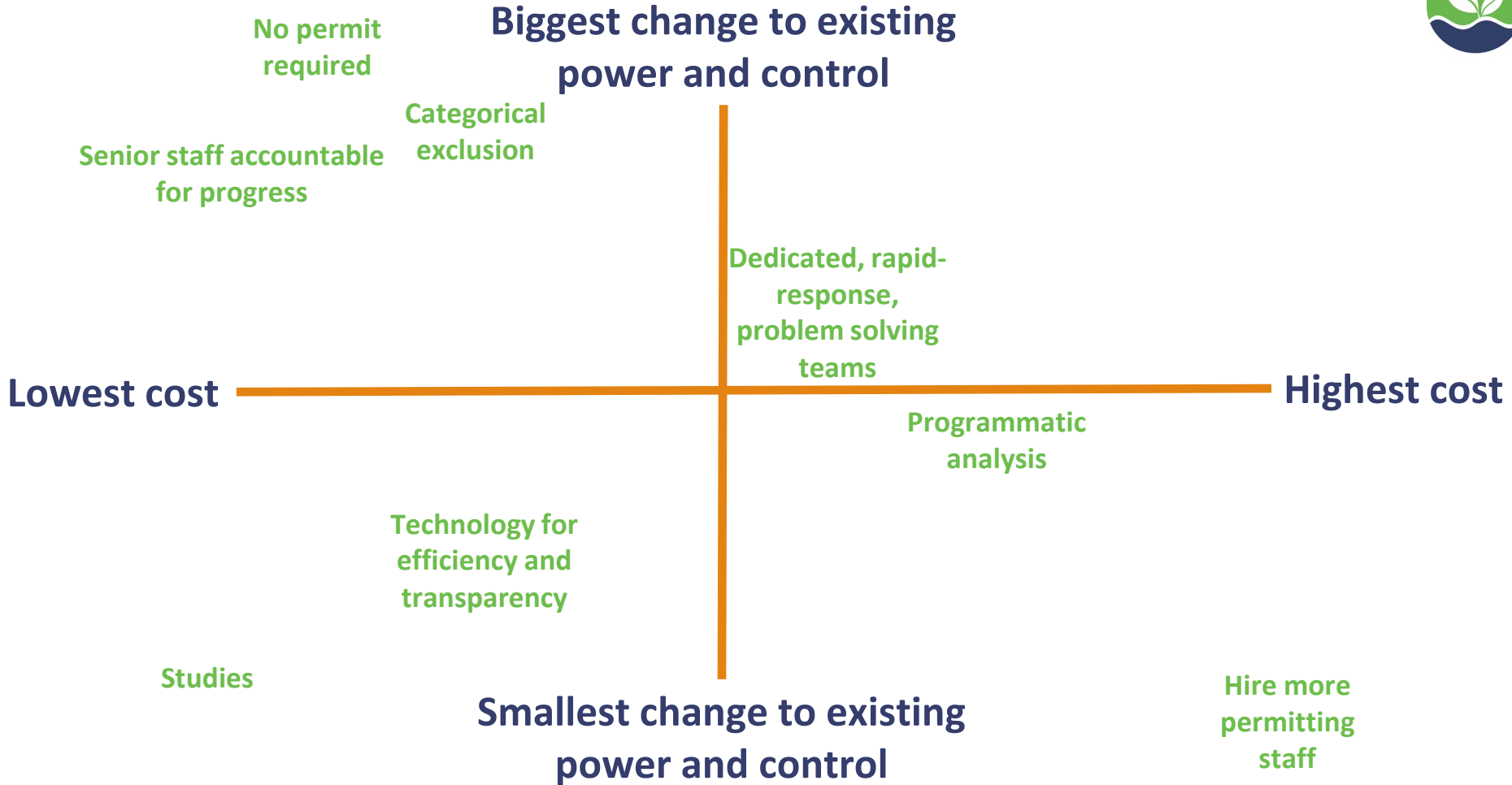
**Permit trackers and databases**

**Senior staff accountable for progress**

**Automatic approvals**

**Templates and checklists**







EMAILING  
PDFS

ELEGANT  
ONLINE  
SYSTEM

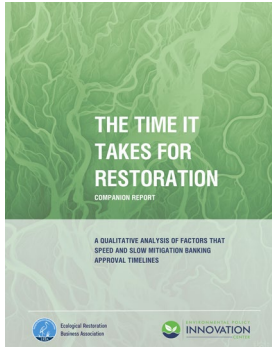


Streamlining memes for  
funsies

# Thank You!

Becca Madsen | [becca@policyinnovation.org](mailto:becca@policyinnovation.org) | 940.231.4359

## Permit Timeline Research - National, State



[bit.ly/mitigationbankresearch](http://bit.ly/mitigationbankresearch)

[bit.ly/CDFWbankresearch](http://bit.ly/CDFWbankresearch)

## Database and Synthesis of Pathways

Title	Location	Topic	Type	Keywords	
12. Division of Mitigation Services LF	North Carolina	Procurement	Program	Mitigation   LF   Credits   Pay for	
13. Social Innovations Financing Trust Fund...	Massachusetts	Procurement	Program	Social Service   Trust   Pay for	
14. S.3266 - Outdoor Recreation Act, SEC 30...	Federal	Procurement	Legislation & Policies	Conservation Finance   Pay for Success	
15. SB 242: Pay for Success Contracting	Delaware	Procurement	Legislation & Policies	Social Service   Economic Developm	
16. 2022 SB 812/ HB 1901: Clean Streams Fu...	Pennsylvania	Procurement	Legislation & Policies	Nutrient Reduction   Pay for Success	
17. 2015- HB 3014 Administration of 'pay fo...	Texas	Procurement	Legislation & Policies	Trust   Pay for Success	
18. Nevada Conservation Credit System	Nevada	Procurement	Case Study	Credits   Outcomes   Pay for Success	
19. S.4231 - STREAM Act	Federal	Procurement	Legislation & Policies	Outcomes   Pay for Success	
20. 2017 HB586: Provide relative to the con...	Louisiana	Procurement	Legislation & Policies	Coastal Protection   Pay for Success	
21. Conservation Finance Act of 2022	Maryland	Procurement	R	Legislation & Policies	Permit Review   Green Infrastructure
22. CA Statewide Restoration General Order...	California	Permitting	Legislation & Policies	Programmatic Approval   Streamlini	
23. NC DEC Remitting Transformation Prog...	North Carolina	Permitting	Program	Online Permitting   Transparency	
24. WA Habitat Recovery Pilot Program (H...	Washington	Permitting	Legislation & Policies	Pilot   Expedited Review   Categor	
25. MI Natural Resources and Environment...	Michigan	Permitting	Legislation & Policies	Streamlining   Expedited Review	
26. CA Cutting Green Taps - Oct 2020 EO...	California	Permitting	Legislation & Policies	Directive   Streamlining	
27. Builder Act of 2021 (NEPA streamlini...	Federal	Permitting	Legislation & Policies	Agency Coordination   Accountability	
28. Promoting Efficient and Engaged Review...	Federal	Permitting	Legislation & Policies	Agency Coordination   Limits Lanua	
29. Oplax (Operation of Law) letter automa...	California	Permitting	Legislation & Policies	Automated Approval	
30. CA Habitat Restoration and Enhancem...	California	Permitting	Legislation & Policies	Streamlining   New Approval Pathw	

### FUNDING NATURE, NOT PAPERWORK

Policy and Programmatic Pathways to Speed Restoration Permitting

**BACKGROUND**

Restoration grants have committed to restoring 30% of the world's degraded ecosystems but right now, the costs of permitting burn through up to 1% of a restoration project's budget. We need money to go to Nature, not paperwork. Over the past few years, the Environmental Policy Innovation Center (EPIC) has commissioned and published guidance papers and resources related to permitting restoration projects from authority on p. 6. One consistent theme in our research has been to find the permitting process broadly applied, streamline and often make it more grant-ready. The objective of this report is to showcase multiple pathways to speed permitting, along with examples from existing policy of grant flows. These examples could be learned and replicated in other contexts.

**Pathways to speed restoration permitting**

1. ENHANCE STATE PERMITTING
2. CREATE A CATALYTICAL EXCLUSION / PROGRAMMATIC APPROVALS
3. CREATE A PROGRAMMATIC / BIOLOGICAL OPINION
4. USE NATURPOSE AND NEURAL PERMITS
5. CREATE A DESIGNATED / RAPID RESPONSE PERMIT REVIEW TEAM
6. USE TECHNOLOGY FOR PERMITTING CHECKS, TRANSPARENCY, AND ACCOUNTABILITY
7. STREAMLINE STATE AND FEDERAL REGULATORY REQUIREMENTS
8. ADDRESS FUNDING FOR PERMIT START AND PRIORITIES

**1. ENHANCE STATE PERMITTING**

Our research has found that multiple state streamlining efforts began with an immediate order of state regulatory agencies to expedite and coordinate the review process. This approach has been successful in many states, including California, where the state's Department of Fish and Wildlife (DFW) has implemented a "Fast Track" process for certain projects. This process includes a dedicated staff member to coordinate the review process and a dedicated review team to expedite the review process.

**2. CREATE A CATALYTICAL EXCLUSION / PROGRAMMATIC APPROVALS**

In the context of the National Environmental Policy Act (NEPA), a categorical exclusion (CE) is a group of projects that are exempt from the full NEPA process. This approach has been successful in many states, including California, where the state's Department of Fish and Wildlife (DFW) has implemented a "Fast Track" process for certain projects. This process includes a dedicated staff member to coordinate the review process and a dedicated review team to expedite the review process.

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**5. CREATE A DESIGNATED / RAPID RESPONSE PERMIT REVIEW TEAM**

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**7. STREAMLINE STATE AND FEDERAL REGULATORY REQUIREMENTS**

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[bit.ly/mitigationbankresearchPhase2](http://bit.ly/mitigationbankresearchPhase2)

[bit.ly/EPICdatabase](http://bit.ly/EPICdatabase)

[bit.ly/8paths4restpermit](http://bit.ly/8paths4restpermit)





# Additional References



# The Corps' New e-Permitting System (beta)

**▲ NOTICE:** The Regulatory Request System (RRS) is currently operating within a beta version providing an avenue for the public to submit requests for both pre-application meetings and jurisdictional determinations. Additional capabilities, such as the submission of permit application requests, are slated to be incorporated by Spring 2024.



Login

## Welcome to the Regulatory Request System

Apply Online • Learn about the Regulatory Program • Track Request Status

Get Started >>>



### Regulatory Program Information

Learn the basics about the Regulatory Program, including recent announcements.



### Jurisdiction

Does the property in question contain wetlands/waters? If so does the Corps have jurisdiction?



### Permitting

Do you need a permit? Need to schedule a pre-application meeting?



### Mitigation

Discover how we help avoid and minimize impacts to aquatic resources.



### Report Violations

Submit a report of unauthorized activity or permit non-compliance.



### RRS Support

Get general system support, district contact information, submit feedback, and login.gov help.



### Public Notices

**UNDER CONSTRUCTION**  
Visit the HQ Regulatory website to find your district and get local public notices.



### Apply for a Permit

**UNDER CONSTRUCTION**  
If you're ready to apply for a permit, click here to login.

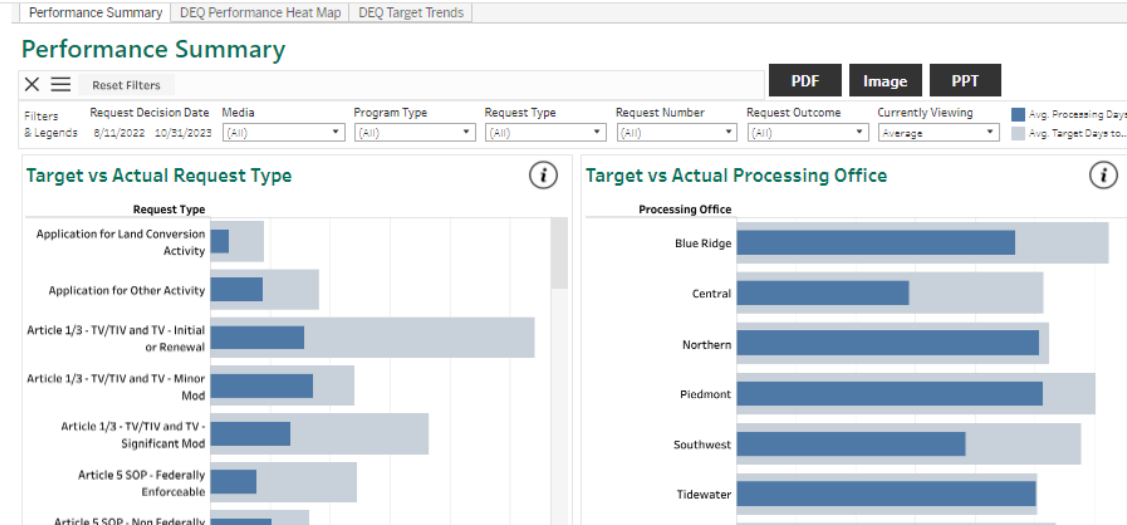
<https://rrs.usace.army.mil/rrs>



# Virginia Permitting Enhancement and Evaluation Platform

- Best practice for transparency & accountability
- Includes performance reporting
- [PEEP video](#)

DEQ Performance Report by [Virginia Department of Environmental Quality](#)



*PEEP Virginia DEQ's Permitting Enhancement and Evaluation Program*





# MBI Timelines Data

## FY14 - FY21 Corps ORM data

- 819 starting records
  - 603 banks
  - 216 ILFs
- Approved only!



## After data cleaning

- 686 ending records
  - 496 banks
  - 190 ILFs (vs. 448 ILFs in RIBITS)

## Categories

- Mandatory federal processing
- Sponsor processing
- Additional processing

## Removed

- Pre-2008 Rule
- Outliers at 1st & 99th percentile
- Inaccurate data entry (most)