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Wetlands
Regional
Monitoring
Program

WRMP Regulatory Engagement Roadmap

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Executive Summary: To increase WRMP alignment with the needs of regulatory agencies in ways that increase the efficiency and cost-effectiveness of permit-driven monitoring for wetland restoration projects, the WRMP should:

1. Maintain and further build relationships with regulatory agencies.
2. Build consensus on the opportunities for the WRMP to support efficient and effective monitoring to meet permit conditions in wetland restoration and multi-benefit projects.
3. Prioritize and advance regulatory agency monitoring needs within the WRMP process.

Overview: The Wetlands Regional Monitoring Program’s (WRMP) charter states, “The WRMP will improve wetland restoration project success by putting in place regional-scale monitoring to increase the impact, utility, quality, cost effectiveness, consistency, and application of permit-driven monitoring to inform science-based decision-making.” To realize this vision, WRMP program staff are working to identify opportunities to support effective and efficient permit-driven wetland monitoring and to design regional wetland data collection so that it can inform decision-making, including at regulatory agencies. This work is funded under a Wetland Program Development Grant provided by the US Environmental Protection Agency.

The WRMP enlisted the Consensus Building Institute (CBI) to assist in advancing regulatory agency alignment and monitoring recommendations by conducting a regulatory needs assessment, drafting and refining findings, and finally, developing recommendations for a Regulatory Engagement Strategic Roadmap, to map out key decision points, define roles and responsibilities, and identify approaches, commitments, and next steps. CBI is available to support discussions about this roadmap among key stakeholders, as well as implementation of appropriate next steps, through June 2023.

As a first step, CBI conducted a [Regulatory Needs Assessment](#) through focus groups and interviews with regulatory agency staff and restoration project practitioners, which was completed in June 2023. The Regulatory Needs Assessment identified ways in which current permit-driven monitoring does and does not meet the needs of regulatory agencies, and pinpointed opportunities for the WRMP to meet some of those needs while providing regional efficiencies. **The Regulatory Needs Assessment found widespread agency interest in, and WRMP opportunities for, improving data consistency, quality, and sharing of project-based monitoring data, thereby contributing to better science and information to inform stewardship and adaptive management** for conserving, restoring, and enhancing the San Francisco Bay's wetlands.

The Regulatory Needs Assessment findings, along with initial release of the Fish and Fish Habitat Working Group's Standard Operating Procedures (SOPs) for monitoring, have spurred important and meaningful conversations about the opportunities and challenges for 1) substituting restoration project permit-driven regulatory monitoring with regional monitoring, and 2) using the WRMP SOP monitoring approaches in regulatory permit monitoring plans.

The Regulatory Needs Assessment found that some regulatory agencies are skeptical about the potential for substitution of site-based permit driven monitoring with WRMP regional monitoring in the short term. Some agencies expressed that some permit-driven, site-specific monitoring is essential for ensuring that wetland restoration projects achieve their intended goals, comply with all relevant regulations, and avoid negative impacts to listed species and water quality. Regional data are unlikely to be able to provide this level of information.

The WRMP SOPs outline a suite of methods for data collection that may eventually facilitate standardized data collection and regional analysis. The WRMP may select all or part of the SOPs for monitoring activities in the region or at a site, based on the monitoring plan and available funding. It is important to note that **the WRMP SOPs in their entirety are not immediately suitable for adoption by regulatory agencies to be written into permit monitoring requirements.** If regulatory agencies were to require all the monitoring procedures in the SOPs to be written into permits, it would increase rather than reduce the current permit-driven monitoring required of project implementers. Further discussion with regulatory agencies can clarify whether specific portions of the SOPs may be suitable for meeting permit-driven monitoring requirements while also providing relevant data for regional analysis.

Most regulatory agencies:

- Agreed that current permit-driven monitoring faces challenges in data consistency, comparability, quality, and sharing, and that it did not necessarily serve the needs of regional scientific understanding.
- Welcomed the addition of regional-scale science and topic-specific SOPs to better inform understanding of tidal wetlands.
- Were generally open to suggestions on more standardized sampling protocols and monitoring methodologies as well as opportunities for better data sharing, as long as the WRMP could ensure high quality of data and address proprietary data issues.

WRMP staff are hopeful that, over time, WRMP regional monitoring can provide necessary contextual information and introduce efficiencies in monitoring in ways that potentially replace elements of required project monitoring, support agency permitting decisions, simplify permit-driven monitoring plans, and improve restoration monitoring data quality and shareability.

Given the limitations of short-term substitution of regional monitoring for regulatory project-based monitoring requirements, this strategic engagement roadmap explores:

- 1. What are the medium- and longer-term opportunities for regulatory alignment of permit-driven monitoring with WRMP monitoring that can lead to efficiencies for restoration projects and help increase the pace of restoration?**
- 2. What actions could WRMP staff take now to set the stage for future regulatory alignment?**

Recommended Next Steps:

Note: these are the recommendations of CBI based on the Regulatory Needs Assessment and vetting process, working closely with WRMP staff.

- 1. Maintain and further build relationships with regulatory agencies.** Focus group participants from regulatory agencies reported that permitting staff from different agencies do not have easy access to each other, and overloaded schedules may make additional coordination steps feel burdensome. Several focus group participants also noted that personalities and organizational culture may sometimes limit effective coordination. Some mentioned that better communication between agency staff through the existing collaboration initiatives like the Bay Restoration Regulatory Integration Team (BRRIT) and the WRMP science workgroups are helpful. Opportunities that facilitate individual connections across regulatory agencies in the Bay could help strengthen the success of informal collaboration and communication.

To maximize the opportunities for aligning the science and monitoring work of the WRMP with the regulatory needs of permitting agencies, there is a need to build, strengthen, and embed communication and collaboration between the WRMP and regulatory agencies in an on-going way over time. A few suggestions on how this might be achieved:

- **Ensure sufficient time and funding for regular dialogue and feedback loops between and among WRMP staff, Steering Committee and TAC members, SOP Workgroup members, and leaders and line staff of regulatory agencies.** Currently, WRMP staff and agency volunteers are stretched thin fulfilling the technical requirements of their grants. Aligning the WRMP with regulatory needs requires more dedicated time for WRMP and agency staff to meet together, including:
 - Discuss with regulatory agency staff the elements of site-specific monitoring procedures within SOPs that may be helpful in standardizing data collection across projects so the data can provide meaningful insights when analyzed regionally.

- Discuss with regulatory agency staff the elements of regional monitoring procedures within SOPs that may be helpful for reducing site-specific monitoring requirements.
 - Establish a regulatory liaison from a key agency who can serve as champion and spokesperson for WRMP alignment with regulatory needs, and budget financial support for them to do so if needed.
 - Involve more regulatory staff in TAC meetings, SOP development, and science workgroups, and budget financial support for them to do so if needed.
- **Support the Policy and Management Committee (PMC) of the BRRIT to implement their [policy list priorities](#) on regional monitoring.** The BRRIT mission is to improve the permitting process for wetland restoration projects by bringing together permitting agencies and project proponents in pre-application processes. Ongoing collaboration and strong relationships between the WRMP and the BRRIT can help create additional feedback loops to maximize development of appropriate and mutually acceptable monitoring standards for permits as well as prioritization of regional data collection that supplements and ultimately replaces some site-based monitoring.
 - Set up a meeting between WRMP and the PMC of the BRRIT to exchange information and explore opportunities for collaboration.
 - Consider periodic meetings with the PMC of the BRRIT to enhance coordination on shared topics of concern.
 - Ultimately, agreements between the regulatory agencies and the WRMP on regional monitoring and SOPs might be codified in an MOU.
 - **Communicate outcomes from regional WRMP monitoring to regulatory agencies.** The WRMP should continue and increase investment in communications activities to ensure regulatory agency staff are aware of the WRMP's regional monitoring and SOP work, including easily accessible graphics and communications of findings and progress.
2. **Build consensus on the opportunities for the WRMP to support efficient and effective monitoring to meet permit conditions in wetland restoration and multi-benefit projects.** Written into the WRMP's purpose is an expectation that the WRMP can enable more efficient and effective monitoring for regulatory purposes. However, the WRMP Steering Committee, TAC, and staff have not explicitly prioritized the importance of this goal in relation to other goals of the program, such as providing regional information about wetlands to inform restoration and decision-making. WRMP stakeholders also have not yet come to consensus on how to achieve more efficient and effective monitoring for regulatory purposes. To meet this objective, we recommend prioritizing more explicit discussion now on how to collaboratively achieve this outcome in the long run.
- **Fund and implement an annual or bi-annual workshop focused on Regulatory Monitoring involving WRMP staff, agency regulators, and wetland project proponents.** Prioritize the potential and need for ongoing dialogue between regulators and WRMP scientists through the development of a regular half- to full-day interactive workshop. These could be designed and facilitated by an external process expert to maximize the

interactivity and outcome-focus. If one bigger workshop, consider holding it as an additional workshop one day before or after the SFEP State of the Estuary conference.

Goals of these conversations could include:

- Developing a shared vision of how the WRMP aligns with regulatory monitoring requirements
- Communication about current and near term WRMP data and products
- Identification of how WRMP data and products can efficiently address regulatory monitoring needs and accelerate the rate of restoration
- Identify and prioritize regional level baseline monitoring activities that are potentially most compelling to substitute for site-based monitoring requirements.

See appendix A for a mock-up agenda for an initial workshop.

- **Elevate the discussion about the synergies and opportunities for WRMP products to support, supplement, and substitute for permit-based monitoring to the Steering Committee and TAC meetings.** This could involve inclusion of a standing topic at Steering Committee and TAC meetings, or formation of a joint Steering Committee and TAC working group to address these issues. Simply keeping this topic on the radar as a priority can help ensure that the WRMP and regulatory partners continue to build shared understandings and vision for advancing this objective.
 - **Continue to explore potential synergies between regional monitoring and site-based monitoring with champions at regulatory agencies.** Beyond coordinated workshops and formal WRMP leadership discussions, there is an opportunity to invest in and prioritize one-on-one or small group conversations with engaged leaders at key regulatory agencies - particularly those who have shown more active interest in participation and partnership with the WRMP. In this context, it could be very valuable to better understand from regulators what specific regional knowledge generated by WRMP monitoring could reduce future site-based monitoring requirements, and how it might do so.
- 3. Prioritize and advance regulatory agency monitoring needs within the WRMP process.** There are also steps that can be taken by WRMP staff within the existing work of the WRMP to integrate findings from the Regulatory Needs Assessment into their regional baseline monitoring and SOPs.
- **To the extent possible, SOP WGs should tier SOPs to identify lower cost, higher quality/value methods for achieving regulatory goals for restoration site monitoring.**
 - Develop clear regulatory monitoring advice from existing SOPs that can help to standardize monitoring approaches and identify components that project proponents could propose to meet regulatory monitoring requirements.

- **At the outset and at appropriate moments throughout the SOP process, gather regulators for a structured, facilitated conversation or workshop with the chairs of the science workgroups to gather the regulatory-related questions that the workgroup’s SOP should answer in order to reduce or simplify permit-driven monitoring requirements.**
- **For future grants, adjust current SOPs or create new SOPs, if needed, to monitor the effectiveness of innovative /novel wetland restoration approaches and engineered wetland environments, including for nature-based solutions for shoreline resilience.** The Regulatory Needs Assessment found that there is currently little data about how experimental / innovative wetland restoration projects and emerging monitoring technologies perform, which hampers regulatory agencies’ ability to write clear and consistent permits for these projects. Focus group participants from regulatory agencies suggested this was an area where the WRMP could provide support. The 2022 BRRIT Annual Report also highlighted the value of regional technical assistance on innovative or novel approaches to wetland restoration.¹ While this does not fit with the currently funded WRMP scope, it is an area to consider as a high value addition for future WRMP scopes. Future grants might also more explicitly explore potential for some relationship between proponent funding for site-based monitoring and regional WRMP monitoring, at least for the medium-term.

¹ From the 2022 BRRIT Annual Report: “Most BRRIT projects are implementing nature-based adaptation measures such as ecotone/horizontal levees, coarse beaches, and nearshore reefs to increase shoreline resilience to sea level rise. These restoration methods have not been tested on a large scale, leading to some uncertainty with project outcomes. The BRRIT is consulting with technical experts to better understand the purpose, function, and design of these innovative restoration methods.”

Appendix A: *Advancing Wetland Monitoring for Science and Compliance:* a sample Agenda for a one-day exploratory workshop

Note: this is a mock up of a potential approach for the first annual workshop bringing together WRMP staff, regulatory agency permitting staff and leadership, and restoration proponents to enhance the application of the WRMP for site-based permitting. This could serve as an initial draft for refinement based on direct input from potential workshop participants.

Workshop Goals:

- Communicate about current and near-term WRMP products
- Discuss the relationship of these products to regulatory monitoring needs
- Identify opportunities for accelerating the rate of restoration and making regulatory permitting more efficient and effective using the WRMP
- Identify and prioritize regional level baseline monitoring that are potentially most compelling to substitute for site-based monitoring requirements.

8:30 Welcome and Introductions

- Overview of workshop goals, context, agenda
- Round of introductions and brief relationship building activity

9:30 Level-Setting Presentations from WRMP and Regulators

- Review WRMP current status
- Review Regulatory Needs Assessment findings
- Review sample of current regulatory monitoring requirements
- Q & A

10:30 Break

11:30 Shared Visioning

- Exercise to identify the potential future state of collaboration

12:30 Lunch

1:30 Regional Baseline Monitoring

- Small group discussions to identify and prioritize regional level baseline monitoring that might reduce the need for site-based monitoring requirements
- Full group report outs and next steps

3:15 Break

3:30 Standard Operating Protocols (SOPs)

- Small group discussions to identify and prioritize SOPs that might advance the need for site-based monitoring requirements
- Full group report outs and next steps

5:00 Close