What are “regulatory roadblocks”? 

- "Regulations" is a broad term 
- It’s really a perception 
- “It’s just too complicated” 

Categories of Regulations 

- Caltrans 
- Local Jurisdictions 
- Private Stakeholders 
- CEQA process 
- NEPA process 
- ADA 
- Environmental Permitting 

Remember: regulations are supposed to be a good thing! 

- Encourage Proper Planning 
- Sensitivity to Habitats/Neighbors 
- Protect the Public
What Has Changed with the California Construction General Permit?

- The property owner is held accountable.
- SWPPP's preparation and storm water monitoring must be done by certified persons with more analysis.
- The SWPPP's are now submitted via on-line for review and approval to the State via the SMARTS system.
- More required BMP's (Best Management Practices) during construction.
- More reporting requirements and enforcement.

How it applies to trail projects
What is SMARTS?

Stormwater Multi-Application & Report Tracking System

Purpose:
Provide an online tool to assist dischargers in submitting their NOIs, NECs, NOTs, and Annual Reports, as well as, viewing Receipt letters, and monitoring status of PRDs.

www.smarts.waterboards.ca.gov/smarts/faces/swsmartslogin.jsp

Your Trail

- Calculate the disturbed area
- Map out the project's watershed
- Identify the discharge points

- Build during the dry period
- Become informed
- Talk to the water board

Long term benefits of BMP's
Addressing Post-Construction Stormwater

- What is C.3?
  Provision in NPDES Permit

- Why does it exist?
  Stormwater discharges are significant sources of pollutants
  Early pollutant control actions are warranted

- What does it mean?
  Must control/reduce non-stormwater discharges
  Must maintain/improve water quality of discharges

How does it apply to trail projects?

C.3.b Regulated Projects, Category (4) Road Projects:
Projects that “create 10,000 s.f. or more of newly constructed contiguous impervious surface”
“Construction of impervious trails that are greater than 10’ wide or are creek-side”

Exceptions
  Direct runoff to adjacent vegetated/non-erodible permeable areas
  Construct with permeable surfaces

Case Study – Albertson Parkway

- Design and construction of ½ mile multi-use trail
- Design began prior to final NPDES rule
- Prevailing assumption was that it would apply to trails
- Site designed to detain and treat 100% of stormwater on-site

Challenges/Obstacles
  On-site stormwater detention/treatment
  Low maintenance
  PG&E transmission lines/towers

Solution/Opportunities
  Bioretention areas that are attractive
  Landscape areas serve multiple roles (buffer, detention, aesthetics)
  Educational component to stormwater detention
What you can do

- Avoid triggering C.3 requirements
- Manage stormwater treatment/detention requirements during planning
- Use drainage as a design element via LID techniques

Turning Agencies into Project Partners

- 1/2 mile multi-use trail
- Master planned in 1988
- Received California River Parkways 2000 Water Bond state grant funds in 2002
- Initial project assumptions had changed from time of master plan approval

Case Study – Guadalupe River Trail R. 12

- Challenge/Obstacle
  Channel widening threatened to delay project schedule and cause loss of funding
  Working within grant funding timeline

- Solution/Opportunities
  Incorporate channel widening into trail project
  Engaging Water District as partner to speed up project review and permitting
Benefits of Collaborative Approach:
- Trail got built on time, grant funds fully utilized
- Water District flood improvements addressed
- The public gained timely access to a new trail facility

What You Can Do:
- Think outside the box, don’t let a ‘no’ stop the project
- Work together to develop a mutually beneficial solution
- Plans change - expect it and don’t let it throw you off when they happen

Red Legged Frog/San Francisco Garter Snake
- California Red Legged Frogs are only in California along the coast and in the Sierra foothills
- Listed as a near threatened species
- Protected area of 1.6 million acres in 27 counties
- SF Garter Snake are only in San Mateo and parts of Santa Cruz Counties
- Listed as endangered
- The SF Garter Snake’s preferred prey is the California Red Legged Frog

Half Moon Bay Trail Opportunities/Solutions
- Teaming with agencies
- Additional seasonal wetland habitat
- Stormwater management areas
- On-site environmental education
- Minimize the trail's footprint
- Provide mitigation for the project
Valley Elderberry Longhorn Beetle

The beetle only lives in Elderberry trees and shrubs in California's Central Valley along riparian corridors.

Avoiding mitigation with the VELB requires a 100' buffer from Elderberry shrubs.

VELB are only active from about March until June each year and construction cannot take place during that time.

Shrubs can only be moved from November to February.

Broderick Boat Launch - Avoidance

Shade shelter near the river or mitigate for VELB habitat loss.

Broderick Opportunities/Solutions

Avoidance of the shrub

No VELB mitigation required.

Broderick Boat Launch - Avoidance

Broader Opportunities/Solutions

No VELB mitigation required.

Narrow corridor with many natural and volunteer planted elderberries

Avoidance with a 100’ buffer was not possible.

Credits at a mitigation bank are not possible due to the amount of mitigation required.

Putah Creek North Bank Trail - Integration
Putah Creek Opportunities/Solutions

- On-site conservation easement
- Money for the project stays on-site
- Allows for mitigation for other nearby projects

Steps to set-up a Conservation Easement

- Preliminary Reports (Cultural, Biological Assessment, etc.)
- Prepare Conservation Easement Documentation
- Set-up Endowment
- Long Term Monitoring

Additional Considerations – Avoidance vs. Easements

- PATIENCE = additional time for documents and approvals from Agencies
- Team work is a necessity!
- Extra costs related to an endowment
- Long-term monitoring/management

What you can do

- Engage permitting/government agencies
- Plan for the unexpected
- Find Creative Solutions
QUESTIONS?