

LAND USE AND NATURAL RESOURCES TEAM EXECUTIVE SUMMARY

*The following executive summary is for the Sacramento Metro Chamber,
Cap-to-Cap Land Use and Natural Resources Team.*

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SECTION 106 NHPA CONSULTATION EFFICIENCIES

Requested Action: With congressional support in hand, urge that the Sacramento District of the US Army Corps of Engineers (USACE), in consultation with Corps Headquarters, the Advisory Council on Historic Preservation (ACHP), and the California State Historic Preservation Officer (SHPO), prioritize the development of a regional Programmatic Agreement to guide a more well-defined Section 106 consultation process for individual Section 106 undertakings.

Summary of Background: Section 106 of the National Historic Preservation Act of 1966 (NHPA) requires federal agencies to take into account the effects of their undertakings on historic properties. Over the last few years, the Section 106 consultation process has become increasingly and disproportionately lengthy, which leads to unnecessary delays to projects, having a direct impact on our local economy. These delays are facilitated by current regulation and policy, which largely fail to define reasonable timeframes and good-faith consultation efforts. In 2015, several congressional representatives voiced serious concern over the lack of clarity and certainty in the Section 106 consultation process as it relates to undertakings by the Corps, and last November, urged the Corps to prioritize the development of a program-level Programmatic Agreement to 1) outline and clearly define the consultation timelines and response times; 2) establish definitions for reasonable and good faith effort; 3) provide thresholds for decision-making that are consistent between Corps staff and from project to project; 4) contribute to better efficiency within the Corps; and 5) provide well-needed certainty for agencies, tribes, and the regulated community. Accordingly, we urge the Corps to consult with the ACHP and SHPO to develop such an agreement, which includes policy guidance and protocols that provide Sacramento District staff with the support they need to define what is

reasonable and appropriate, and to ensure that historic properties are managed or mitigated in a timely manner and at a scale that is appropriate to the undertaking.

NATURAL RESOURCES AGENCY FUNDING

Requested Action:

- Seek congressional support for review of Office of Management and Budget (OMB) and Congressional Budget Office (CBO) metrics of local and regional funding of agencies.
- Seek congressional support for review of local agency funding to determine if budgets to hire and retain staff is in line with cost of living factors and the high economic development ramifications of timely and skilled review of permits.
- Seek congressional support for the USFWS to utilize its ability to receive private and public funds to augment existing budgets.
- Request continued and prioritized funding to complete regional Habitat Conservation Plans (HCPs), which will have value to the regulated and environmental community.

Summary of Background: The Sacramento Region, in line with the nation, is recovering from the recession, and experiencing for the first time in several years an ability to proceed with the development, and more importantly, the implementation of both vast regional planning efforts and individual private and public projects. While the economy was stagnant, planning on these efforts continued, but for many reasons, the goal to complete was not realized, but it was neither due to the withholding of significant fortune on the part of the federal, state and local agencies nor the time and resources of a diversified and committed stakeholder community. Nonetheless, we now find ourselves at a crossroads of near completion of these HCPs and an energized economy which is primed for economic development. While the HCPs receive attention from the aforementioned parties, concerted federal attention is needed to not only ensure adequate resources for the natural resource agencies charged with delivering projects - both big and small - but also to address policy challenges to permitting in a way that balances economic growth priorities and conservation efforts

HABITAT CONSERVATION PLANNING

Requested Action:

- Seek congressional support of continued Section 6 funding.
- Seek congressional support and agency support for clarity from USACE and EPA on 404 integration.
- Seek congressional and agency support for highest policy-level engagement on issues of critical importance to the success of implementation.
- Seek congressional and agency support for continued funding of regional Habitat Conservation Plans.

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Summary of Background: The Sacramento region is home to one implemented and five in-process Habitat Conservation Plans (HCPs), which in total constitute over one million acres of future planning and conservation. The federal, state and local investment in these plans to date well exceeds the number of acres which will be impacted, but the investment has been deemed worthy given the presumed efficiencies which will be gained by both the regulated and the regulatory communities. The Land Use and Natural Resources Committee has long advocated the benefits of implementable HCPs to the economic and environmental benefit of the region. The urgency of what has been discussed more rhetorically in the way of support from the most-upper levels of the policy makers is acute, as these Plans are now near complete and issues of critical relevance must be resolved.

While the USFWS has consistently been the lead agency, the USACE, EPA, and other members of the federal government have been, from day one, at the planning table, as well. This interaction has been purposeful, as the ability to implement and fund HCPs is contingent upon assurances and permits to support an understanding that these Plans will facilitate efficiencies that are reflective of the type and scale of development and conservation this region requires in order to achieve a balance between economic development and environmental sustainability.