ENVIRONMENTAL POLICY INNOVATION CENTER

Smart Permitting for Ecological Restoration

Thursday, September 11, 2025

NJCRC - Ecological Restoration Workshop

Environmental Policy Innovation Center

Danielle Bissett, CERP, WEDG

Assistant Director of Restoration Policy

dbissett@policyinnovation.org

516-610-7021

Through smart permitting solutions, we're working to ensure **quality in, quality out**—faster approvals that maintain environmental protections while advancing critical restoration work.

Overview of EPIC

Smart Permitting

Gold Star Examples

How do we move forward?

?

Past → Present → Future

We need to do this work together

Restoration projects are dynamic:

- biologists
- ecologists
- engineers
- regulators
- legislators
- educators
- community groups
- advocates

Photo: Billion Oyster Project, Soundview Park Reef Ball Monitoring

Permitting – Mission Statement

We aim to reduce restoration permit timelines, enabling complex restoration projects to be approved within a year and typical restoration projects to be approved within 60-90 days—**without pausing the clock**.

Strategic Framework

1. Get through the permitting process faster

Fish ladder:
Work within the system

2. Fundamentally change the permitting process

Dam removal:
Transform the system

3. Raise the bar on avoiding impacts

Don’t build the dam:
Prevent barriers before the form

How Does EPIC Advance This Work?

Inform policymakers

Advise regulatory agencies

Coordinate with practitioners

Advocate for smart permitting

Highlight gold star examples

Learn more about EPIC's permitting work here!

Complexity & redundancy

Knowledge is power

Urgency

Culture

Permitting Challenges for Restoration

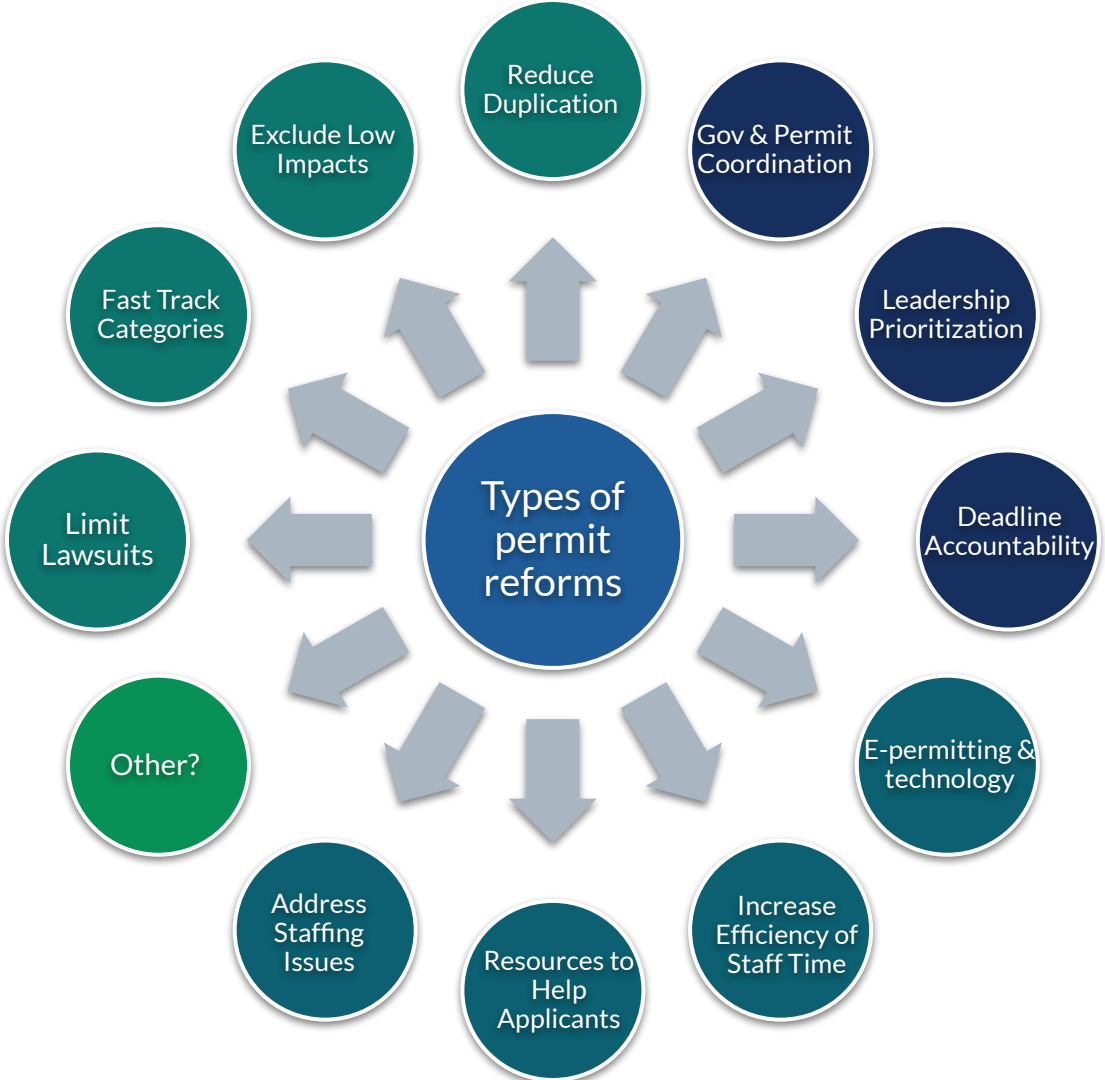
Habitat conversion?

What is fill?

Species-specific concerns?

Policy

Culture



Other?

Resources

Gold Star Examples of Solutions

Maryland's Stream Team

- Clear language and directive
- Stream restoration is a priority at the state and municipal level
- Clear direction from regulators to practitioners BEFORE a permit is submitted
- Continued learning post-project and engagement with practitioners, academic, and research communities

Year	Permits Issued	Issued in 90 Days	Total Stream Length (FT)	Average Stream Length (FT)
2014	78	39%	63,456	765
2015	98	26%	70,826	712
2016	92	33%	64,418	619
2017	129	82%	226,347	1,754
2018	113	88%	213,584	2,202
2019	107	78%	278,982	3,531
2020	57	80%	105,255	1,986
2021	81	84%	114,348	2,789
2022	78	91%	62,611	1,565
2023	57	89%	73,871	1,538
2024	62	96%	71,989	1,954

Washington's Habitat Recovery Pilot Program

Designed to issue permit decisions within 45 days!

Key permitting features:

- Expanded Project Eligibility
- Permit Exemptions
- Streamlined Local Oversight
- Collaborative Review Process

Permit applicants appreciated:

- Faster Permitting Decisions
- Simplified Applications
- Cost Savings
- Consolidated Oversight

Advancing Habitat Restoration in Washington:

Lessons from the Habitat Recovery Pilot Program

ENVIRONMENTAL POLICY INNOVATION CENTER | PLAUCHÉ & CARR LLP

Washington's salmon populations are in crisis, facing compounding threats from multiple sources, including habitat degradation caused by urban development, agricultural uses, pollution, and climate change. Over the past 25 years, the state has worked to address these challenges through innovative permitting programs designed to accelerate ecological restoration. The **Fish Habitat Enhancement Project (FHEP)**, enacted in 1998, was Washington's first effort to streamline permitting for fish habitat projects. In 2019, federal and state agencies launched the **Multi-Agency Review Team (MART)**, a collaborative initiative to coordinate permitting for high-priority restoration efforts in Puget Sound. Most recently, the **Habitat Recovery Pilot Program (HRPP)**, introduced in 2021, broadened the scope of streamlined permitting to include a wider range of ecological restoration projects statewide.

As the HRPP approaches its scheduled expiration in June 2025, this review examines its successes, identifies areas for improvement, and considers its potential for permanent adoption.

Overview of the Habitat Recovery Pilot Program

The HRPP was established to broaden the scope of streamlined permitting for ecological restoration projects. Unlike earlier programs such as the FHEP, which was limited to specific project types, the HRPP encompasses a wide range of projects that directly benefit fish habitats in freshwater, estuarine, and marine environments. The program's streamlined process is designed to issue permit decisions within 45 days of receiving a complete application unless an additional review process is invoked.
Key features include:

- **Expanded Project Eligibility:** Eligible restoration project types are expansive, so long as the project is reviewed, approved, or funded by one of 13 state and federal restoration programs, including basin-specific initiatives (e.g., Chehalis, Columbia River, Yakima), salmon recovery efforts, and tribal-sponsored projects.
- **Permit Exemptions:** HRPP projects are exempt from the State Environmental Policy Act (SEPA), which allows them to avoid lengthy and costly environmental reviews.
- **Streamlined Local Oversight:** Local governments cannot require additional permits or fees, simplifying the permitting process.
- **Collaborative Review Process:** A multi-agency permitting team, including representatives from state agencies, local governments, and federally recognized tribes, ensures coordinated review across agencies.

Program Utilization and Benefits

Since 2021, the HRPP has issued 45 permits for restoration projects, with survey data indicating a high level of satisfaction among participants. Survey responses showed strong support for extending the HRPP, with 14 out of 15 participants expressing an intent to use the program again for future projects. **Several aspects of the HRPP that survey respondents appreciated:**

- **Faster Permitting Decisions:** While the target timeline of 45 days was not always met, the program avoids many of the delays associated with traditional processes by reducing the number of required local and state permits.
- **Simplified Applications:** A centralized portal and knowledgeable staff facilitate efficient navigation of permitting requirements.
- **Cost Savings:** Exemptions from SEPA and local fees significantly reduce administrative and financial burdens.
- **Consolidated Oversight:** Applicants benefit from a unified review by all relevant regulatory agencies.

1

Virginia's Permitting Enhancement and Evaluation Platform

- 70% reduction in permitting timelines
- Streamlined 50,000 regulatory requirements
- Saved $1.2 billion

REIMAGING PERMITTING PROCESSES

A Case Study of Virginia's Permitting Enhancement and Evaluation Platform

ENVIRONMENTAL POLICY INNOVATION CENTER

BACKGROUND

At the Environmental Policy Innovation Center (EPIC), our goal is to advance ecological restoration at scale, yet permitting costs consume up to ½ of project budgets. 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 restoration project permitting. Here we provide a case study of adoption of e-permitting technology that ameliorated many permitting bottlenecks.

THE PATH TO PEEP

In 2022, the newly elected Republican Governor of Virginia, Glenn Youngkin, issued an executive order to streamline the state's regulatory processes. Individual leadership matters. The new state Department of Environmental Quality (DEQ) director took action on the order and produced one of the most singular examples of the potential of technology to dramatically shorten permit backlogs. DEQ and staff mapped out permit processes and established reasonable timeframes. In less than a year and with almost no budget, DEQ launched their Permitting Enhancement and Evaluation Platform (PEEP) for state environmental protection permits. PEEP now covers 12 permit programs, and the state is expanding to a more encompassing statewide system, the Virginia Permit Transparency (VPT) initiative. Below are commonly-cited permitting bottlenecks - not exclusive to Virginia - that applicants face, and how PEEP addresses them.

PERMITTING BOTTLENECKS

- Missed Deadlines, Staffing Issues — Permitting is often ripe with delays, lack of leadership prioritization, &/or staff accountability.
- 'Black Hole', Lack of Coord., Poor Processes — Applicants feel like their submission enters a black hole, with unknown timelines and no ability to track the status of their application. External agencies may be the bottleneck, but it's not apparent. Staff lack project management tools and training.
- Incomplete App., Applicant Delays, Predictable Req. — Applicants often face inconsistent requirements, while agencies handle incomplete submissions and applicant-driven delays.

With PEEP, **DEQ improved processing times by 70%.** PEEP has worked better than any similar tool we are aware of across the country. The successful pilot will be integrated into a new statewide system, the Virginia Permit Transparency (VPT) initiative.

"We've reduced red tape, streamlined 50,000 regulatory requirements and ***saved over $1.2 billion*** *for Virginia citizens."*

- Governor Youngkin (Oct 2024)

PERMITTING REFORMS

- Executive Order, Reporting, Accountability, State/Fed MOA — The executive order and DEQ leadership action signaled the priority of permit timeliness and included requirements for review of processes and development of e-permitting. PEEP increases staff efficiency with project management tools (see below), and creates accountability of staff to deadlines, including automated reports to managers and to the public. A unique MOA with the US Army Corps of Engineers created mutual accountability to deadlines and allowed DEQ to share the workload of certain reviews.
- e-Permitting, Transparency, Staff Efficiency, Coordination — PEEP stands out as a leading e-permitting tool. It provides an automated, viewable Gantt chart of deadlines, indication of 'whose desk it's on' (DEQ or another agency), and reporting -- all of which is available publicly. Embedded project management functions like deadline reminders (including for external agencies), and staff dashboards save staff time.
- Trainings, Accountability, App. Checklist — Training resources reduces incomplete applications. 15-day "completeness" review against application checklist creates consistent and predictable requirements. PEEP shows applicant delays as well as agency delays.

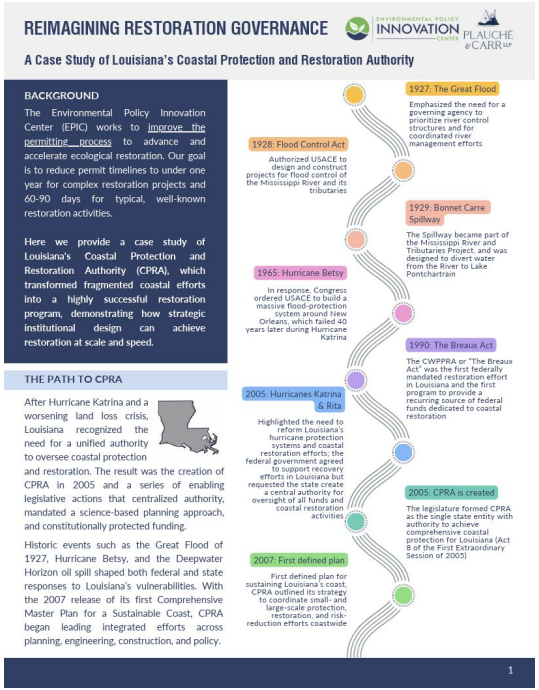
EPIC CAN HELP! *EPIC has amassed a suite of resources and strong technical network related to restoration permitting and technology adoption in government. We are keen to deepen partnerships and work with folks that share similar goals - reach out if you'd like to collaborate!* ***Contacts: becca@policyinnovation.org, jessie@policyinnovation.org***

https://bit.ly/4l3s1DI

Louisiana's Coastal Protection and Restoration Authority

CPRA is one of the most successful coastal restoration agencies in the United States

- 💰 Secured nearly $22 billion
- 🎯 Completed 150+ projects
- 🌿 Benefited 55,807 acres of coastal habitat
- 🏖️ Placed 193 million cubic yards of sediment
- 🚜 Built or improved 369 miles of levees
- 🌊 Restored over 71 miles of barrier islands



REIMAGINING RESTORATION GOVERNANCE

A Case Study of Louisiana's Coastal Protection and Restoration Authority

BACKGROUND

The Environmental Policy Innovation Center (EPIC) works to improve the permitting process to advance and accelerate ecological restoration. Our goal is to reduce permit timelines to under one year for complex restoration projects and 60-90 days for typical, well-known restoration activities.

Here we provide a case study of Louisiana's Coastal Protection and Restoration Authority (CPRA), which transformed fragmented coastal efforts into a highly successful restoration program, demonstrating how strategic institutional design can achieve restoration at scale and speed.

THE PATH TO CPRA

After Hurricane Katrina and a worsening land loss crisis, Louisiana recognized the need for a unified authority to oversee coastal protection and restoration. The result was the creation of CPRA in 2005 and a series of enabling legislative actions that centralized authority, mandated a science-based planning approach, and constitutionally protected funding.

Historic events such as the Great Flood of 1927, Hurricane Betsy, and the Deepwater Horizon oil spill shaped both federal and state responses to Louisiana's vulnerabilities. With the 2007 release of its first Comprehensive Master Plan for a Sustainable Coast, CPRA began leading integrated efforts across planning, engineering, construction, and policy.

1927: The Great Flood
Emphasized the need for a governing agency to prioritize river control structures and for coordinated river management efforts

1928: Flood Control Act
Authorized USACE to design and construct projects for flood control of the Mississippi River and its tributaries

1929: Bonnet Carre Spillway
The Spillway became part of the Mississippi River and Tributaries Project, and was designed to divert water from the River to Lake Pontchartrain

1965: Hurricane Betsy
In response, Congress ordered USACE to build a massive flood-protection system around New Orleans, which failed 40 years later during Hurricane Katrina

1990: The Breaux Act
The CWPPRA or "The Breaux Act" was the first federally mandated restoration effort in Louisiana and the first program to provide a recurring source of federal funds dedicated to coastal restoration

2005: Hurricanes Katrina & Rita
Highlighted the need to reform Louisiana's hurricane protection systems and coastal restoration efforts; the federal government agreed to support recovery efforts in Louisiana but requested the state create a central authority for oversight of all funds and coastal restoration activities

2005: CPRA is created
The legislature formed CPRA as the single state entity with authority to achieve comprehensive coastal protection for Louisiana (Act 8 of the First Extraordinary Session of 2005)

2007: First defined plan
First defined plan for sustaining Louisiana's coast. CPRA outlined its strategy to coordinate small- and large-scale protection, restoration, and risk-reduction efforts coastwide

1

https://bit.ly/3ISSUMU

Legislation - State Level

State	Bill No.	Description	Status
Colorado	**HB1379**	“Regulate Dredge & Fill Activities in State Waters”	Enacted
Louisiana	**SB97**	Coordinated Use of Resources for Recreation, Economy, Navigation, and Transportation Authority (CURRENT)	Enacted
Massachusetts	**S557**	“An Act To Accelerate and Streamline Wetlands Restoration”	In Committee
Rhode Island	**H5803**	“Ant Act Relating to Health and Safety – State Building Code”	Enacted

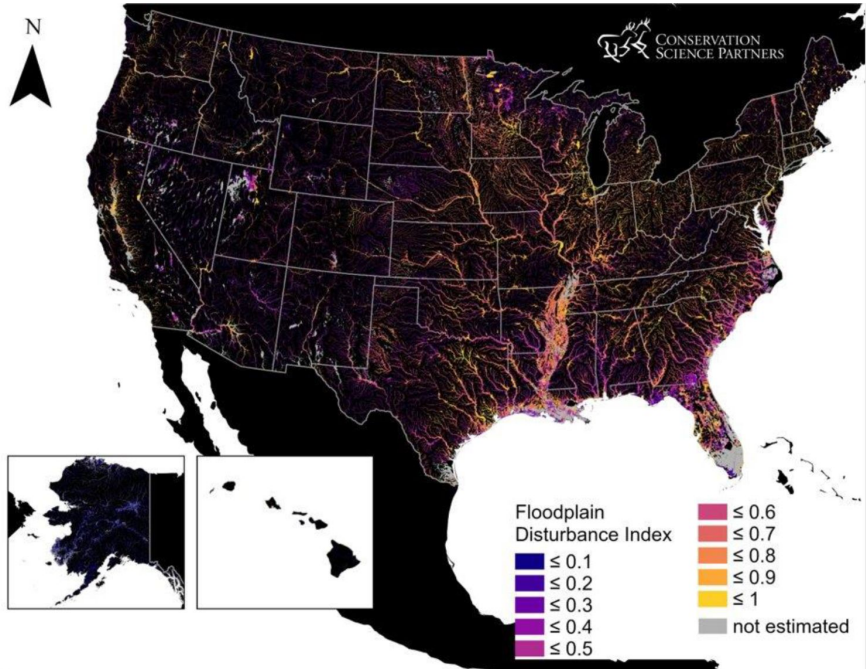
Floodplain Enhancement and Recovery Act

- **Defines "ecosystem restoration" to distinguish it from other forms of development**
- Removes federal/state funding requirement for exemption from review or processing fee
- **Provides communities with more authority over restoration projects**
- Relaxes language around analysis
- FEMA to issue guidance 180 days after law is enacted

Floodplain Disconnection is Common

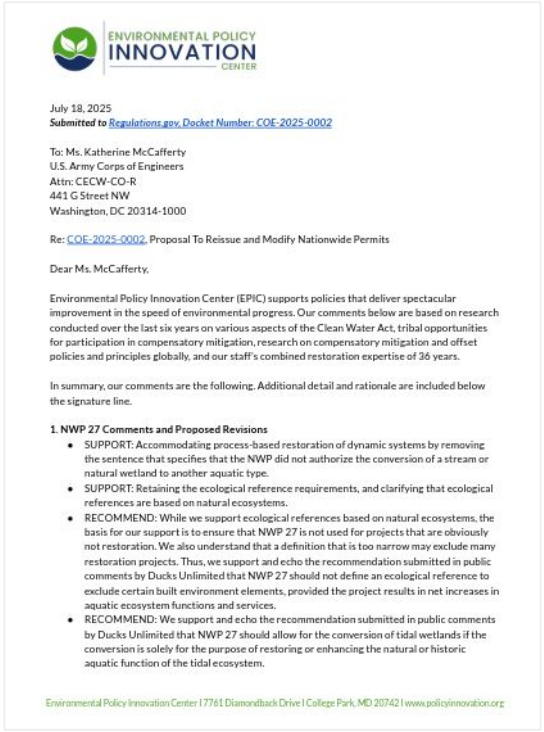
90% of floodplain in the lower 48 & 70% nationally are altered.

Source: Conservation Science Partners (CSP). 2024. Protected Floodplains Assessment of the United States - Final Report. Truckee, California, USA. Available upon request from American Rivers



USACE Nationwide Permit Reissuance

- Improves permitting for voluntary restoration projects under Nationwide Permit 27 (e.g., reduced reporting, eliminates formal delineation)
- Does not require compensatory mitigation for voluntary restoration projects
- New nationwide permit for fish passage and other aquatic species
- The inclusion of nature-based solutions in multiple Nationwide Permits (13-bank stabilization, 27-restoration, 43-stormwater)



ENVIRONMENTAL POLICY INNOVATION CENTER

July 18, 2025
***Submitted to** Regulations.gov, Docket Number: COE-2025-0002*

To: Ms. Katherine McCafferty
U.S. Army Corps of Engineers
Attn: CECW-CO-R
441 G Street NW
Washington, DC 20314-1000

Re: COE-2025-0002, Proposal To Reissue and Modify Nationwide Permits

Dear Ms. McCafferty,

Environmental Policy Innovation Center (EPIC) supports policies that deliver spectacular improvement in the speed of environmental progress. Our comments below are based on research conducted over the last six years on various aspects of the Clean Water Act, tribal opportunities for participation in compensatory mitigation, research on compensatory mitigation and offset policies and principles globally, and our staff's combined restoration expertise of 36 years.

In summary, our comments are the following. Additional detail and rationale are included below the signature line.

1. NWP 27 Comments and Proposed Revisions

- SUPPORT: Accommodating process-based restoration of dynamic systems by removing the sentence that specifies that the NWP did not authorize the conversion of a stream or natural wetland to another aquatic type.
- SUPPORT: Retaining the ecological reference requirements, and clarifying that ecological references are based on natural ecosystems.
- RECOMMEND: While we support ecological references based on natural ecosystems, the basis for our support is to ensure that NWP 27 is not used for projects that are obviously not restoration. We also understand that a definition that is too narrow may exclude many restoration projects. Thus, we support and echo the recommendation submitted in public comments by Ducks Unlimited that NWP 27 should not define an ecological reference to exclude certain built environment elements, provided the project results in net increases in aquatic ecosystem functions and services.
- RECOMMEND: We support and echo the recommendation submitted in public comments by Ducks Unlimited that NWP 27 should allow for the conversion of tidal wetlands if the conversion is solely for the purpose of restoring or enhancing the natural or historic aquatic function of the tidal ecosystem.

Environmental Policy Innovation Center | 7761 Diamondback Drive | College Park, MD 20742 | www.policyinnovation.org

https://bit.ly/45rhL39

Final Thoughts

- **Improving the permitting process is not novel –** there are great actors in this space that we need to learn from and lift up so we can teach each other best ways to replicate lessons learned to collectively accelerate restoration efforts
- **If anyone is working on permitting reform or has a restoration project story to share,** please reach out to me—let's learn from what's working and identify where we still need innovative solutions

Thank You!

Danielle Bissett, CERP, WEDG
Assistant Director of Restoration Policy
dbissett@policyinnovation.org
516-610-7021

Check out EPIC's permitting website to learn more about our work:

https://bit.ly/40JvDDj

Review our dashboard on permitting initiatives at the state & federal levels:

https://bit.ly/4mgtFCz

No Net Loss


The 2025 Report Card for America's Infrastructure
ASCE
A Comprehensive Assessment of America's Infrastructure
C
OVERALL GPA
Aviation D+
Bridges C
Broadband C+
Dams D+
Drinking Water C-
Energy D+
Hazardous Waste C
Inland Waterways C-
Levees D+
Ports B
Public Parks C-
Rail B-
Roads D+
Schools D+
Solid Waste C+
Stormwater D
Transit D
Wastewater D+

Highlight Delays → Catalyze Change

Time to permit a wetland restoration bank – 1,149 - 1,195 days

Sept 2024 Asst Sec Army - Civil Works Memo

DEPARTMENT OF THE ARMY
OFFICE OF THE ASSISTANT SECRETARY
CIVIL WORKS
108 ARMY PENTAGON
WASHINGTON, DC 20310-0108

SACW 16 September 2024

MEMORANDUM FOR COMMANDING GENERAL, U.S. ARMY CORPS OF ENGINEERS

SUBJECT: Improving U.S. Army Corps of Engineers Timeline Compliance with the 2008 Compensatory Mitigation Rule

1. Purpose and applicability:

a. Purpose – On April 10, 2008, the U.S. Army Corps of Engineers (Corps) and the U.S. Environmental Protection Agency (EPA) published a final rule in the Federal Register (73 Fed Reg 19594) regarding compensatory mitigation for losses of aquatic resources (hereafter the 2008 Mitigation Rule or mitigation rule). Among other aspects, the 2008 Mitigation Rule lays out a timeline for review of proposed mitigation banks and in-lieu fee (ILF) programs by the district engineer. The 2008 Mitigation Rule stipulates a review timeline of no longer than 225 days for the Corps' steps in the review process. Recent analysis of Corps data has shown that this timeline is not, on average, being met. This memorandum provides clarification on certain aspects of the 2008 Mitigation Rule to improve compliance with the mitigation bank and ILF program review timeline and thus support rapid investment in, and timely production of conserved and restored aquatic resources. The availability of mitigation banks and ILF programs provides benefits not only to permittees, but also projects implemented through the Corps' Civil Works Program. Ultimately, taking the actions delineated in paragraph four of this memorandum is consistent with the Administration's priorities of improving the permitting process and expanding the tools available to preserve, restore, enhance, and establish critical aquatic resources.

b. Applicability – This memorandum applies to the Corps' role in reviewing, approving, and evaluating mitigation banks and ILF programs and projects under 33 CFR Part 332. This memorandum is based on regulations that contain legally binding requirements. This memorandum is not a substitute for those regulations, does not create legally binding requirements, and is not a regulation itself. It does not impose legally binding requirements on the Corps, mitigation providers, or permittees, and may not apply to every situation. The Corps retains the discretion to adopt approaches on a regional or case-by-case basis that differ from those provided in this memorandum as appropriate and consistent with statutory and regulatory requirements.

Principles of Delivery for Mitigation Memo

DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS
441 G STREET, NW
WASHINGTON, DC 20314-1000

CECW-CO-R (1145) 19 September 2024

MEMORANDUM FOR DIVISION REGULATORY PROGRAM MANAGERS AND DISTRICT REGULATORY CHIEFS

SUBJECT: Principles of Delivery for Mitigation Bank Decisions

1. The Assistant Secretary of the Army, Civil Works provided a memorandum, dated 16 September 2024, *Improving U.S. Army Corps of Engineers Timeline Compliance with the 2008 Compensatory Mitigation Rule*, to HQUSACE for immediate implementation. This memorandum, and Enclosure 1, are provided with ASA(CW)'s memorandum (Enclosure 2) and these documents are posted for internal and external use on the U.S. Army Corps of Engineers official Regulatory Program webpage: https://www.usace.army.mil/Missions/Civil-Works/Regulatory-Program-and-Permits/mitig_info/

2. The "Principles of Delivery for Mitigation Bank Decisions" is transmitted via this memorandum to complement the ASA(CW)'s policy direction, provide an implementation framework, and supplementary information to assist Divisions and Districts improving Corps' timeline compliance with the 2008 mitigation rule (Enclosure 1). This document is also posted on the Regulatory Program webpage with the ASA(CW)'s memorandum.

3. It is expected that implementation of the Principles of Delivery for Mitigation Bank Decisions will improve District performance in Mission Success Criterion #5.1 (Third Party Mitigation Evaluation, including Mitigation Banks and In- Lieu Fee Programs).

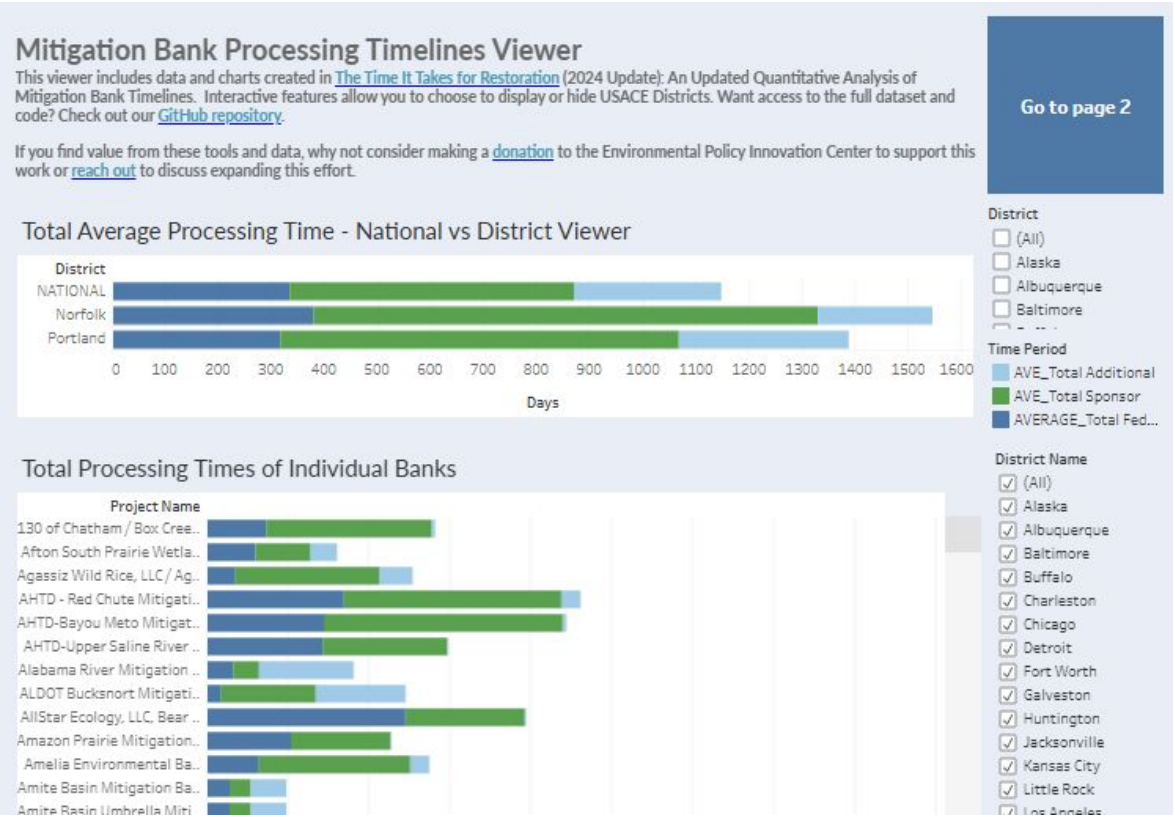
4. The point of contact for this action at HQUSACE is David Olson, Regulatory Program Manager, at david.b.olson@usace.army.mil or 202-469-0222.

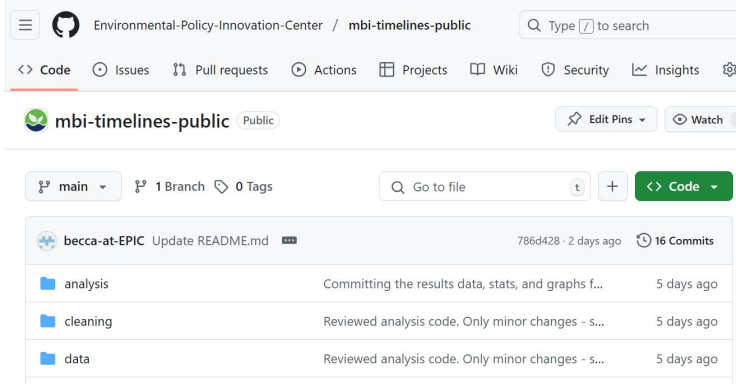
Digitally signed by Jennifer Moyer
Date: 2024.09.19 12:39:58 -04'00'

Encls

JENNIFER A. MOYER
Chief, Regulatory Program

Explore Our Data & Code





bit.ly/MBIdata

← ABOUT THIS PROJECT

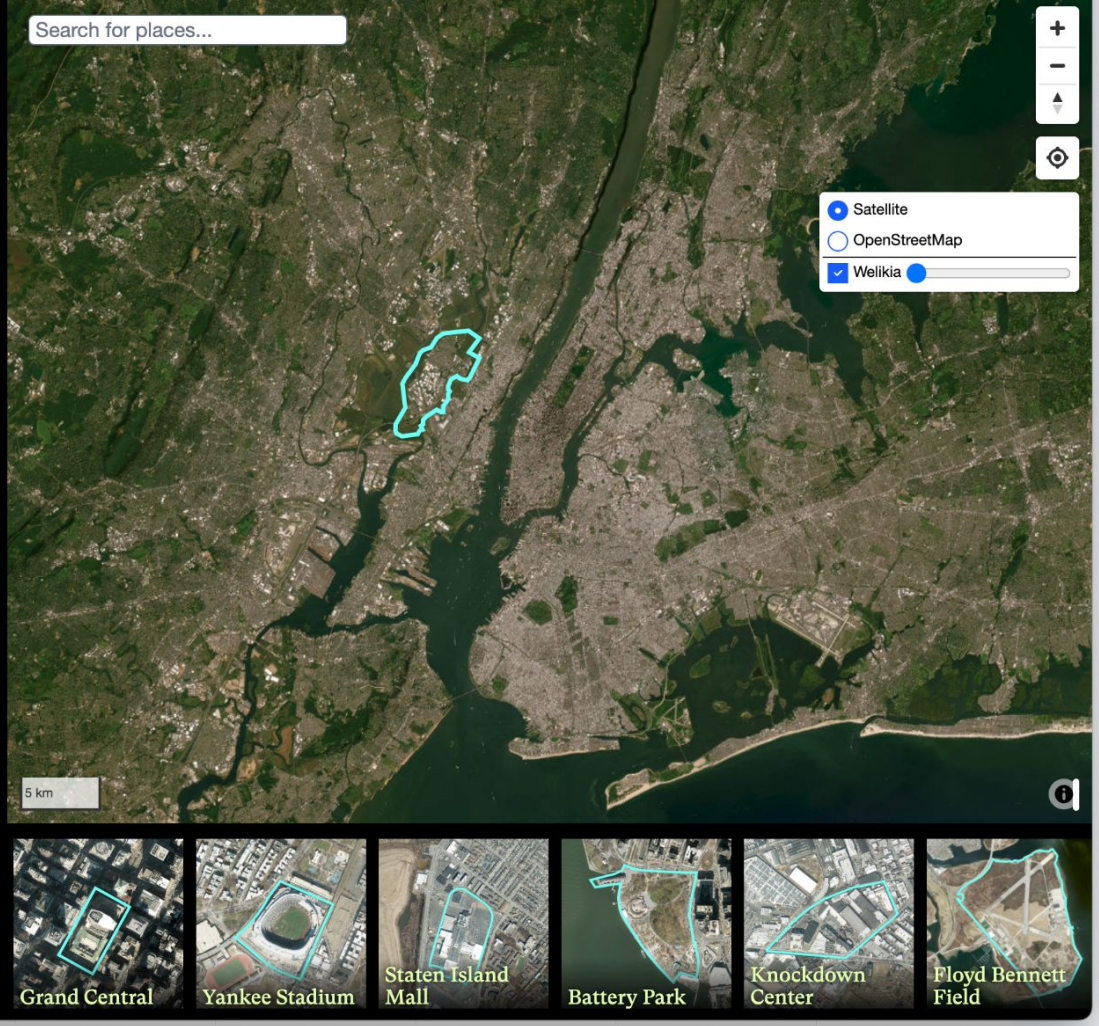
ABOUT THIS BLOCK

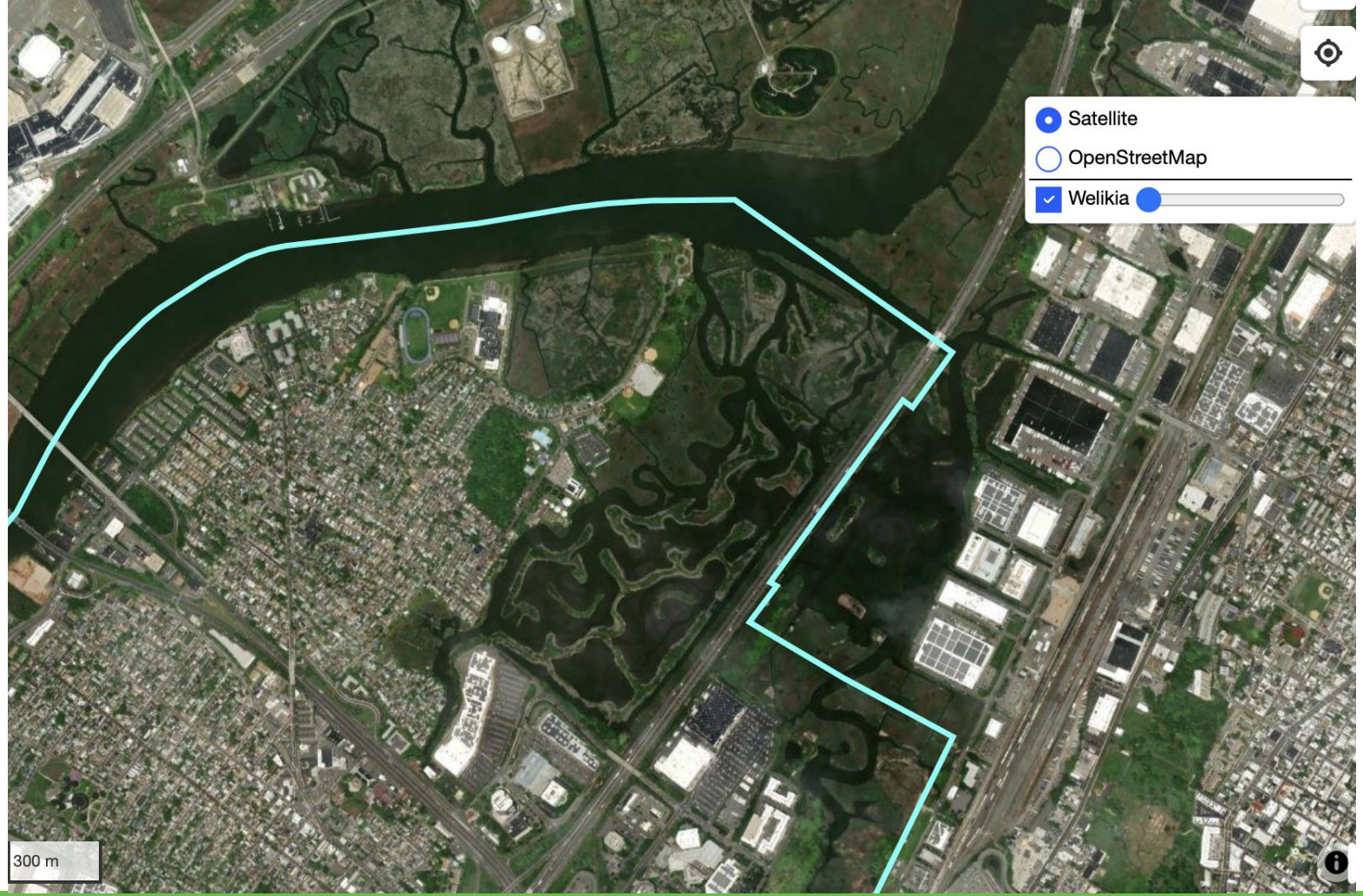
Welcome to Town of Secaucus! This block used to be a high salt marsh community.

Home to plants like sassafras, starved panicgrass, and white wood aster and animals like the White-footed Mouse, Blue-winged Teal, and Redback Salamander, this block was suitable habitat for over 371 species of plants and 69 species of animals.

This block's ecological communities allowed for 94% more plant diversity and 97% more animal diversity than other blocks in the city.

In addition to high salt marsh community, other ecological communities that existed on this block include appalachian oak-hickory forest community and salt shrub community.




Satellite
OpenStreetMap
Welikia
300 m


Satellite
OpenStreetMap
Welikia
300 m


Satellite
OpenStreetMap
Welikia
300 m