



Stage 1 Business Analysis

California Department of Technology, SIMM 19A.3 (Ver. 3.0.9, 02/01/2022)

1.1 General Information

1. Agency or State entity Name: 3940 - Water Resources Control Board, State

If Agency/State entity is not in the list, enter here with the [organization code](#).

[Click or tap here to enter text.](#)

2. Proposal Name and Acronym: Dredge or Fill Permit Application

3. Proposal Description: (Provide a brief description of your proposal in 500 characters or less.)

This proposal seeks to develop an electronic application system to issue permits for discharges of dredged or fill material that may affect water quality under section 401 of the Federal Clean Water Act for federal waters and under the Porter-Cologne for non-federal waters. The proposed system will streamline the application and review process, provide a tracking and reporting mechanism for projects, and improve water quality by providing a consistent and transparent process for managing and tracking compliance with regulatory timelines for projects to avoid waiver.

4. Proposed Project Execution Start Date: 9/2/2024

5. S1BA Version Number: Version 1

1.2 Submittal Information

1. Contact Information

Contact Name: Cheryl Holden

Contact Email: Cheryl.Holden@waterboards.ca.gov

Contact Phone: 916-327-0003

2. Submission Type: New Submission

If Withdraw, select Reason: [Choose an item.](#)

If Other, specify reason here: [Click or tap here to enter text.](#)

Sections Changed, if this is a Submission Update: (List all sections changed.)

[Click or tap here to enter text.](#)

Summary of Changes: (Summarize updates made.)

[Click or tap here to enter text.](#)

3. Attach [Project Approval Executive Transmittal](#) to your email submission.
4. Attach [Stage 1 Project Reportability Assessment](#) to your email submission.

1.3 Business Sponsorship

1. Executive Champion (Sponsor)

Title: [Chief Deputy Director](#)

Name: [Jonathan Bishop](#)

Business Program Area: [Executive Office](#)

2. Business Owner

Title: [Deputy Director](#)

Name: [Karen Mogus](#)

Business Program Area: [Division of Water Quality](#)

Title: [Assistant Deputy Director](#)

Name: [Phillip Crader](#)

Business Program Area: [Surface Water Regulatory Branch](#)

Title: [Program Supervisor](#)

Name: [Paul Hann](#)

Business Program Area: [Watersheds and Wetlands Section](#)

3. Product Owner

Title: [Unit Supervisor](#)

Name: [Elizabeth Payne](#)

Business Program Area: [Wetlands Permitting and Planning Unit](#)

TIP: Copy and paste or click the + button in the lower right corner on any section to add additional Executive Champions, Business Owners, or Product Owners with their related Business Program Areas as needed.

1.4 Stakeholder Assessment

The Stakeholder Assessment is designed to give the project team an overview of communication channels that the state entity needs to manage throughout the project. More stakeholders may result in increased complexity to a project.

1. Indicate which of the following are interested in this proposal and/or the outcome of the project. (Select 'Yes' or 'No' for each.)

State Entity Only: **Yes**

Other Departments/State Entities: **No**

Public: **No**

Federal Entities: **No**

Governor's Office: **No**

Legislature: **No**

Media: **No**

Local Entities: **No**

Special Interest Groups: **No**

Other: **No**

2. Describe how each group marked 'Yes' will be involved in the planning process.

State project team staff will participate in all stages of the PAL process including but not limited to developing high and mid-level requirements, conducting market research, preparing roadmaps and schedules, determining viable solutions and cost estimates, participation in procurement and project readiness activities.

1.5 Business Program

1. Business Program Name: Division of Water Quality.

2. Program Background and Context: (Provide a brief overview of the entity's business program(s) current operations.)

The State Water Resources Control Board (State Water Board) and nine Regional Water Quality Control Boards (collectively the Water Boards) have authority to regulate waters of the state under

the Porter-Cologne Water Quality Control Act (Porter-Cologne), and delegated authority to implement the Federal Clean Water Act (CWA). The Water Boards implement the Water Quality Certification Program (Program) by issuing permits for discharges of dredged or fill material that may affect water quality under section 401 of the CWA for federal waters (water quality certifications), and under Porter-Cologne for non-federal waters (waste discharge requirements).

Before a federal agency (such as the U.S. Army Corps of Engineers (Corps)) may issue a federal permit in California, the state must certify that the activity will meet state water quality standards. Historically, most of the waters of the state in California were also under federal jurisdiction; however, the May 2023 Supreme Court decision in *Sackett v. Environmental Protection Agency* significantly reduced federal jurisdiction under the CWA. Program staff reviewed existing permit data and estimated that *Sackett* will result in a significantly higher percentage of state only permits for dredge or fill activities (25-50% permits will be nonfederal, compared to ~5% previously).

Water Board staff review applications in compliance with the State Wetland Definition and Procedures for Discharges of Dredged or Fill Material to Waters of the State (Procedures). In accordance with Executive Order W-59-93 (no net loss policy), the Procedures ensure that the Water Boards' regulation of dredge or fill activities will be conducted in a manner "to ensure no overall net loss and long-term net gain in the quantity, quality, and permanence of wetlands acreage and values..." The Program's jurisdiction over dredge and fill discharges provides valuable protection for California's wetlands, streams, riparian and headwater areas.

The Program is responsible for the following:

- Assessing completeness of applications
- Reviewing and approving complete applications
- Posting application and draft permit information for public comment
- Issuing or denying the permit within timeframes set by state or federal regulations
- Conducting on-site inspections and post-construction requirements
- Documenting the permitting decision

Applicants use existing fillable forms to submit a permit application via email or paper mail to a Regional Water Board in the region where the project is located, or to the State Water Board for projects that cross regional board boundaries. Staff review applications and manually enter all documentation and project data into the program's web-based California Integrated Water Quality System (CIWQS). Based on data entered into CIWQS, the Water Boards receive approximately 1300 applications each year.

According to state regulations, the Water Boards have 30 days to deem an application complete or incomplete and notify the applicant (Cal. Code Regs. tit. 23, § 3835). For projects in federal waters, the Water Boards are required to act on a permit request within 60 days of receiving the request, regardless of the completeness review timeframe (40 CFR 325.2 (b)(ii)).

3. How will this proposed project impact the product or services supported by the state entity?

The proposed project to develop an electronic application system will improve customer service to the regulated community by:

- Streamlining the application submittal and review process for applicants and staff, while also reducing manual data entry workload and reducing data entry errors.
- Providing a tracking and reporting mechanism for projects, including tracking incoming applications, assigning projects to staff, ensuring proper fee payments, tracking project progress, and tracking permit implementation and compliance.
- Increasing communication between applicants and staff to ensure application completeness in a timely manner.

The proposed project to develop an electronic application system will improve water quality by:

- Providing a consistent process for managing and tracking compliance with regulatory timelines for projects to avoid waiver.
- Increasing Program data transparency by providing a mechanism to report ecological performance related to achieving no net loss as described in Executive Order No. 59-93.
- Reducing data entry workload, which will provide staff more time to adequately review proposed project's impacts to water quality, and perform field inspections to ensure compliance with permit conditions.

TIP: Copy and paste or click the + button in the lower right corner to add Business Programs, with background and context and impact descriptions as needed.

1.6 Project Justification

1. Strategic Business Alignment

Enterprise Architect

Title: Information Technology Specialist III

Name: TBD

Strategic Plan Last Updated? 7/1/2022

Strategic Business Goal: The Water Board's [2022 Strategic Work Plan](#) sets forth a high priority action to protect and restore watersheds, marine waters, and ecosystems. Within that overarching action are specific goals, including *Goal 2.1 Ensure river and stream flows support fish, wildlife, recreation, and other beneficial uses.*

Alignment: This proposal serves a critical function to meeting this goal because it directly serves subgoal 2.1.1. *401 water quality certifications (large hydropower projects). Develop timely Clean Water Act section 401 water quality certifications and respond to related petitions.* This proposal would develop an electronic application system that would streamline issuing water quality certifications in a timely manner while meeting state and federal timeframe requirements and would serve as a central project tracking system for such projects.

Strategic Business Goal: Goal 2.3 of the 2022 Strategic Work Plan is to *Protect – and where feasible, restore – aquatic and marine habitats.*

Alignment: This proposal also directly serves subgoal 2.3.1 *Large habitat restoration permit. Adopt a general permit for large habitat restoration projects.* The large habitat restoration permit is a dredge or fill permit that was adopted in late 2022. This proposal's electronic application system and database would provide the same benefits to implementation of the restoration permit as it would for all dredge or fill permits, including providing staff additional time to review proposed projects in compliance with existing state policies that protect and restore aquatic and marine habitat.

Strategic Business Goal: Goal 4.3 of the 2022 Strategic Work Plan is to *Manage data effectively.*

Alignment: This proposal would align with Goal 4.3 of the Strategic Work Plan by implementing a modernized central database and application system to review, manage, and track all dredge or fill permits issued by the Water Boards. The database would provide comprehensive permitting and performance data on a statewide scale, which would allow staff and managers to make permitting and policy decisions more effectively and efficiently.

TIP: Copy and paste or click the + button in the lower right corner to add Strategic Business Goals and Alignments as needed.

Mandate(s): Federal

Bill Number/Code, if applicable: *Sackett v. Environmental Protection Agency*, 598 U.S. (2023) (Docket No. 21-454)

Add the Bill language that includes system-relevant requirements:

The U.S. EPA and the U.S. Army Corps of Engineers are in receipt of the U.S. Supreme Court's May 25, 2023, decision in the case of *Sackett v. Environmental Protection Agency*. In light of this decision, the agencies are interpreting the phrase "waters of the United States" consistent with the Supreme Court's decision in *Sackett*. The agencies are developing a rule to amend the final "Revised Definition of 'Waters of the United State'" rule published in the federal register on January 18, 2023, consistent with the *Sackett* decision. The agencies intend to issue a final rule by **September 1, 2023**.

TIP: Copy and paste or click the + button in the lower right corner to add Bill Numbers/Codes and relevant language as needed.

2. Business Driver(s)

Financial Benefit: Yes

Increased Revenue: Yes

Cost Savings: Yes

Cost Avoidance: No

Cost Recovery: No

Will the state incur a financial penalty or sanction if this proposal is not implemented? No

If the answer to the above question is "Yes," please explain:

[Click or tap here to enter text.](#)

Improvement

Better Services to the People of California: Yes

Efficiencies to Program Operations: Yes

Improved Equity, Diversity, and/or Inclusivity: No

Improved Health and/or Human Safety: Yes

Improved Information Security: Yes

Improved Business Continuity: Yes

Improved Technology Recovery: Yes

Technology Refresh: No

Technology End of Life: No

1.7 Business Outcomes Desired

Executive Summary of the Business Problem or Opportunity:

In June 2013, the California State Auditor issued Audit Report 2012-120 which included a number of recommendations to improve performance of the Program in response to finding the following issues: the Water Boards were inconsistent in meeting the regulatory timelines for application and permit approval; applicants were not informed of their application status; and the Water Boards were inconsistent in reviewing the accuracy of the application fees received. State Water Board committed to addressing these audit recommendations, and made significant improvements since 2012, including developing a statewide paper application form, developing minimum mandatory data entry standards, implementing data quality control and quality assurance processes, and implementing public performance measures related to application processing times. However, the lack of a statewide electronic application submittal system and database to manage, track, and implement dredge or fill permits, continues to result in widespread problems administering the Program, including delayed permitting decisions, inconsistent application submittal processes, inability to track regulatory timelines, inconsistent communication with applicants, inefficient project tracking, too much time spent on data entry, and lost fee revenue.

Recent federal regulatory changes to section 401 of the CWA and U.S. Supreme Court decision *Sackett v. Environmental Protection Agency* have also exacerbated the Program's issues identified above for administering and implementing permits. In 2020, section 401 of the CWA was revised to

add administrative steps to an already complex process, and the Corps was directed to strictly enforce a 60-day timeframe on the Water Boards' permitting actions under threat of waiver (historically they commonly deferred to the Water Board's timelines up to one year). The reduction in federal jurisdiction will also result in an increase in state only permits, and a significantly higher staff workload because 1) state only permits take longer to process due to public noticing and board hearing requirements, and 2) more projects will require Water Board staff to provide the environmental review services that the Corps previously provided, such as wetland delineation verification.

Desired Outcome 1) Develop a centralized, statewide system and supporting training materials to receive, assign, manage, and track applications for dredge or fill projects that may affect water quality. The system will allow staff to be notified of upcoming regulatory timelines for projects, allow managers to assign applications to staff and track compliance with regulatory timelines to avoid waivers; increase the tracking and collection of correct application and project fees; reduce the amount of time it takes for staff to receive an application and perform manual data entry; and reduce the amount of time it takes to compile an administrative record.

Desired Outcome 2) Increase communication consistency and transparency with the regulated community during and after the permit review process. A standardized electronic application submittal process and workflow system will provide applicants, other agencies, and staff with the ability to monitor the application process and expedite completion and implementation of permits.

Desired Outcome 3) Collect and manage permit data to track and measure Program ecological outcomes and effectiveness, including compliance with the no net loss policy. Data collected when applicants fill out an electronic application and from permit implementation will include comprehensive project data in a single system that is not currently collected, such as water quality impacts, mitigation and mitigation performance, GIS maps, compliance, and enforcement. This proposal would provide data needed to assess projects on a watershed, regional, and statewide level, allow for forecasting future regulatory changes to the Program, and provide information for making policy decisions.

Objective ID: 1.1

Objective: By 2027, provide applicants a single statewide system to submit electronic applications

Metric: Number of applications for dredge or fill permits submitted electronically

Baseline: 0

Target Result: 80% or 1040 applications submitted electronically (assuming receipt of 1300 applications per year)

Objective ID: 1.2

Objective: By 2027, reduce the amount of time from application submittal to staff assignment and receipt of application materials by 80%

Metric: Average number of days it takes for staff to receive assigned applications

Baseline: 10 days

Target Result: 2 days for applications submitted electronically

Objective ID: 1.3

Objective: By 2027, provide an efficient method for Water Board staff and managers to track and get notified of upcoming federal regulatory timelines

Metric: Notification of upcoming regulatory deadlines for each application, and tracking of compliance with regulatory deadlines in a report

Baseline: 0

Target Result: 100%

Objective ID: 1.4

Objective: By 2027, increase accuracy of application fees tracked and collected, by integrating with the Water Boards existing financial management system

Metric: Fees accurately tracked and collected

Baseline: 87% fees correctly tracked and collected

Target Result: 100% fees correctly tracked and collected

Objective ID: 1.5

Objective: By 2027, reduce staff's manual data entry time by 80%

Metric: Average annual time spent manually entering project data into CIWQS, in hours

Baseline: 650 hours statewide per year (assuming 1300 applications at 30 minutes each)

Target Result: 130 hours statewide per year

Objective ID: 1.6

Objective: By 2027, reduce the amount of time it takes to compile an administrative record by 75%

Metric: Average time to compile administrative record for a single project in hours

Baseline: 4 hours

Target Result: 1 hour

Objective ID: 2.1

Objective: By 2027, provide an efficient and integrated method for staff to communicate with applicants during the permit review process

Metric: Ability to transmit communications to applicants within electronic application system and workflow

Baseline: 0

Target Result: 100%

Objective ID: 2.2

Objective: By 2027, provide an easily accessible method for obtaining Program data available to the public, without having to request data from individual staff at the Water Boards

Metric: Public access to Program data

Baseline: 0

Target Result: 100%

Objective ID: 3.1

Objective: By 2027, collect and manage comprehensive project data and have the ability to generate reports

Metric: Data collected and reporting ability

Baseline: 0

Target Result: 100%

Objective ID: 3.2

Objective: Provide a system to efficiently receive data and maps in a format that can be assessed using GIS software, and that integrates with existing geospatial mapping services aligned with the [California Wetland and Riparian Area Monitoring Plan \(WRAMP; EcoAtlas\)](#)

Metric: GIS data and maps received and successful integrated with geospatial mapping services

Baseline: 0

Target Result: 100%

TIP: Copy and paste or click the + button in the lower right corner to add Objectives as needed. Please number for reference.

TIP: Objectives should identify WHAT needs to be achieved or solved. Each objective should identify HOW the problem statement can be solved and must have a target result that is specific, measurable, attainable, realistic, and time-bound. Objective must cover the specific. Metric and Baseline must detail how the objective is measurable. Target Result needs to support the attainable, realistic, and time-bound requirements.

1.8 Project Management

1. Project Management Risk Score: 0.7

(Attach a completed [Statewide Information Management Manual \(SIMM\) Section 45 Appendix A Project Management Risk Assessment Template](#) to the email submission.)

2. Project Approval Lifecycle Completion and Project Execution Capacity Assessment

Does the proposal development or project execution anticipate sharing resources (state staff, vendors, consultants, or financial) with other priorities within the Agency/state entity (projects, PALs, or programmatic/technology workload)?

Answer: No

Does the Agency/state entity anticipate this proposal will result in the creation of new business processes or changes to existing business processes?

Answer (No, New, Existing, or Both): New Processes

1.9 Initial Complexity Assessment

1. Business Complexity Score: 1.8

(Attach a completed [SIMM Section 45 Appendix C](#) to the email submission.)

2. Noncompliance Issues: (Indicate if your current operations include noncompliance issues and provide a narrative explaining how the business process is noncompliant.)

Programmatic regulations: Yes

HIPAA/CIIS/FTI/PII/PCI: No

Security: No

ADA: No

Other: Yes

Not Applicable: Choose Yes or No.

Noncompliance Description:

The existing Program database (CIWQS) does not provide a method to track state or federal regulatory timelines (CCR § 3835(a); 33 CFR § 325; 40 CFR § 121.4(a); 40 CFR § 121.7(a); 40 CFR § 121.9), notify applicants of application completeness (CCR § 3835(c)), or collect and track application and project fees (CCR § 3833). Currently, staff use other business systems to track compliance with these regulations on an ad hoc, inconsistent, and inefficient basis, resulting in noncompliance issues with regulations, including waivers, applicant frustration, and lost fee revenue.

3. Additional Assessment Criteria

If there is an existing Privacy Threshold Assessment/Privacy Information Assessment, include it as an attachment to your email submission.

How many locations and total users is the project anticipated to affect?

Number of locations: Statewide.

Estimated Number of Transactions/Business Events (per cycle): 1300 per cycle.

Approximate number of internal end-users: 200

Approximate number of external end-users: 1300

1.10 Funding

Planning

1. Does the Agency/state entity anticipate requesting additional resources through a budget action to **complete planning** through the project approval lifecycle framework? [Yes](#)

If Yes, when will a budget action be submitted to your Agency/DOF for planning dollars?

[7/17/2023](#)

2. Please provide the Funding Source(s) and dates funds for planning will be made available:

[TBD](#)

Project Implementation Funding

1. Has the funding source(s) been identified for **project implementation**? [No](#)

If known, please provide the Funding Source(s) and dates funds for implementation will be made available:

[Click or tap here to enter text.](#)

Will a budget action be submitted to your Agency/DOF? [Yes](#)

If "Yes" is selected, specify when this BCP will be submitted: Fall 2023

2. Please provide a rough order of magnitude (ROM) estimate as to the total cost of the project:
[Between \\$10 Million and \\$50 Million](#)

End of agency/state entity document.

Please ensure ADA compliance before submitting this document to CDT.

When ready, submit Stage 1 and all attachments in an email to ProjectOversight@state.ca.gov.

Department of Technology Use Only

Original "New Submission" Date: [7/26/2023](#)

Form Received Date: [7/26/2023](#)

Form Accepted Date: [7/26/2023](#)

Form Status: [Completed](#)

Form Status Date: [7/26/2023](#)

Form Disposition: [Approved](#)

If Other, specify: [Click or tap here to enter text.](#)

Form Disposition Date: [7/26/2023](#)

Department of Technology Project Number (0000-000): [3940-110](#)