

Section 1 • NAVIGATING THE PERMITTING PROCESS

A permit is how laws and rules are applied. By issuing and keeping tracking of permits, local, state and federal agencies can set minimum standards for activities that ideally will protect California's environment now and in the future. The permit process was developed to provide for orderly development, ensure compliance with applicable regulations, and minimize future impacts as they help to track, authorize and administer a variety of actions. Usually any activity in a wetland or riparian area (creek or stream), clearing vegetation, disturbing ground, or conducting work near a sensitive area requires permits from numerous agencies. These actions are common to restoration projects. Local, state, federal, and tribal governments require projects, work activities, and actions to receive authorization from applicable regulatory agencies.

The permitting process can be complicated and hard to understand. This manual was created to assist you in getting started by providing basic information and directing you to sources where you can find more information. The *Guide to Watershed Project Permitting* is broken down into sections for easy reference and the entire manual is simplified in the matrix under the section titled **Analyze Your Project**. The manual is not intended to be a comprehensive guide on the how-to's of permitting. There are already good sources out there for those who need detailed information as well as agencies who can assist you in getting started.

It is the responsibility of the permit applicant to ensure that they have applied for all required permits. Consult with an assistance agency to be sure you have obtained all the necessary permits for your project (see local, state, regional and federal agencies).

Acronyms and Definitions

ACOE	Army Corps of Engineers
BMP	Best Management Practices
CALTRANS	California Department of Transportation
CEQA	California Environmental Quality Act
CESA	California Endangered Species Act
CWA	Clean Water Act
DFG	Department of Fish & Game
DWR	Department of Water Resources
EPA	US Environmental Protection Agency
ESA	Endangered Species Act of 1973 (Federal)
HARASS	Any act creating likelihood of injury by significantly disrupting normal behavior patterns.
HARM	Any act that kills, injures, significantly modifies, or degrades habitat.
HCP	Habitat Conservation Plan
LAA	Likely to adversely affect
JARPA	Joint Aquatic Resources Permit Application
NLAA	Not likely to adversely affect
NMFS	National Marine Fisheries Service
NPDES	National Pollutant Discharge Elimination System
NRCS	Natural Resource Conservation Service

NWP	Nationwide Permits
RWQCB	Regional Water Quality Control Board
SAA	Stream Alteration Agreement
SWRCB	State Water Resources Control Board
TAKE	Hunt, harm, harass, pursue, shoot, wound, kill, capture, trap, collect
T&E	Threatened and Endangered
TMDL	Total maximum daily load
USBR	US Bureau of Reclamation
USDA	US Department of Agriculture
USFS	US Forest Service
USFWS	US Fish and Wildlife Service
USGS	US Geological Survey

Getting Started

The most important thing to remember when navigating the permitting process, is to start early! Contact all the agencies simultaneously as the permitting process can take time and should be initiated up to a year before the desired project start date. Many permit applications have fees linked to them. It is a good idea to have a budget and know the costs ahead of time. When you contact the appropriate agency, have your questions ready (see matrix). If possible, invite all the agencies involved to the project site at one time to address all their concerns at once, this is to your benefit.

National Environmental Policy Act

The National Environmental Policy Act (NEPA) was one of the first laws ever written to establish a broad national framework for protecting our environment. NEPA's basic policy is to assure that all branches of government give proper consideration to the environment prior to undertaking any major federal action that significantly affects the environment. It requires all federal agencies to "promote efforts to prevent or eliminate damage to the environment and biosphere" by following mandated procedures. In order to reach an informed decision, NEPA requires a prescribed process, including public involvement, scientific analysis and potential mitigations. NEPA compliance is mandated when NRCS provides financial assistance but is not mandated when NRCS provides only technical assistance (see NRCS under Federal Agencies).

California Environmental Quality Review

The local government with the most jurisdictional responsibility for your project must review it under requirements of the California Environmental Quality Review (CEQA). The main purpose of CEQA review is to identify and prevent significant potential environmental impacts from proposed projects.

Section 2 • PRACTICAL TIPS FOR GETTING YOUR PROJECT APPROVED

Plan ahead. Permit review can take from 30-120 days or more if an application is not complete. All necessary permits must be obtained prior to beginning work. The receipt of a permit does not constitute landowner permission, which is the sole responsibility of the applicant.

1) Carefully select and design your site.

Do not secure property rights to a site without carefully studying the environmental constraints and surrounding land uses. Evaluate several alternative sites, if possible, before making your choice.

2) Write a complete project description.

Expect that with each agency, you may need to provide a written description as well as a map and site plan of your project at your first meeting. Get professional assistance, if necessary, for designing and constructing your project in conformity with the natural function of the stream or river. For large projects or projects that have the potential for impacts, engineering designs may be required.

3) Contact Agencies early!

Consultation with permitting and regulatory agencies should begin as early as possible in planning your project. At this point potential concerns can be addressed and potential roadblocks eliminated or reduced. To save time, try to schedule one day for a visit from all the involved agencies.

3a) Contact Assistance Agencies

Your local NRCS and RCD can offer technical and financial assistance with projects and permitting. They are a vital resource and can act as liaisons between you and the regulatory agencies.

3b) Know the players

Become familiar with the regulators and how they function.

3c) Learn the Rules

Take time to study the protocols and regulations of those agencies that must approve your project. Study all applicable state, local and federal agency permitting requirements.

4) Involve the Public

Plan a public participation group. Meet with local citizens, get their ideas and views. Use press releases and announcements to keep them informed about the progress of your project. Avoid surprises.

5) Approach the process with a positive, non-adversarial attitude

It is generally counterproductive to resist the permit process as you are going through it. Indeed the squeaky wheels gets the grease. But be polite!

6) Pay attention to details

Follow all the rules. Respond promptly to requests for information. Be on time for meetings with regulators. Do not cut corners.

7) Be willing to negotiate

The permit process has been established because of the public concern for protecting the waterways and this is the prime responsibility of the agency reviewer. Further, the reviewers are sensitive to the concerns of individuals for their property rights and are willing to consider

alternative project designs to meet the needs of the property owner while still protecting the natural functions of the stream.

8) When in doubt, ask

If you are not sure whether your project needs a permit or whether it is regulated at all, ask. Going ahead without all the proper permits or without following conditions of approval very likely will cost you more time, money and goodwill.

9) Get everything in writing

With each agency that you contact with permitting questions, request that they put everything in writing. This will help prevent any later misunderstandings.

10) Minimize impact to the project area

Design your project to eliminate or reduce as many potential environmental impacts as possible. Consider environmentally superior alternatives. Incorporate the suggestions you learned during early consultation. Where appropriate, consider bioengineering methods to minimize project impacts. Streamside vegetation is important to the health and stability of a stream. Vegetation should be removed only to the extent necessary to construct the project. Disturbed areas should be revegetated as soon as possible to avoid erosion and prevent weed invasion. Consider potential impacts of your project such as temporary increases in turbidity, erosion, fisheries and aquatic life impacts due to timing of projects, etc., and include in your application how impacts will be minimized. Agencies may approve permit applications contingent upon modifications and may change the timing of the project to minimize impacts.

Section 3 • RESOURCES and PRINTED REFERENCES

California Salmonid Stream Habitat Restoration Manual

CA Dept of Fish & Game, 1807 13th Street, Suite 104, Sacramento, CA 95814. (916) 324-6903

This document is available online for download on the following website:

<http://www.dfg.ca.gov/fishing/manual3.pdf>

California Environmental Handbook

USDA-NRCS California State Office, 430 G Street #4164, Davis, CA 95616-4164. (530) 792-5600

This document is available online for download on the following website:

<http://www.ca.nrcs.usda.gov/rts/ENVHNB/environhandbook1.html>

Handbook for Forest and Ranch Roads: A guide for planning, designing, constructing, reconstructing, maintaining and closing wildland roads.

by William E. Weaver, Ph.D. and Danny K. Hagans, Pacific Watershed Associates for the Mendocino County Resource Conservation District, June 1994. \$25 including shipping.

Available from: Mendocino County RCD, 405 Orchard Ave., Ukiah, CA 95482. (707) 468-9223.

Stream Corridor Restoration: Principles, Processes and Practices

USDA: NRCS

Published October 1998, revised August 2001.

This document is available online for download on the following website:

http://www.usda.gov/stream_restoration

Catalog of Federal Funding Sources for Watershed Protection

U.S. EPA Office of Water

Document number EPA 841-B-99-003

December 1999

This document is available online for download on the following website::

<http://www.epa.gov/OWOW/watershed/wacademy/fund.html>

Guide to Regulatory Compliance for Implementing CALFED Actions

Volume 1&2, June 2001

CALFED Bay-Delta Program

This document is available online for download on the following website:

<http://www.calfed.water.ca.gov/RegGuide/Calfed-guide.html>

Useful out-of-state documents:

Guide for the Acquisition of Permits

People for Salmon, P.O. Box 1106, North Bend, WA 98045. (425) 831-2426.

This document is available online for download on the following website:

<http://www.peopleforsalmon.org>

A Guide to Oregon Permits Issued by State & Federal Agencies with a focus on permits for Watershed Restoration Activities

Oregon Watershed Enhancement Board, 775 Summer Street NE, Suite 360, Salem, OR 97301 (503) 986-0178.

This document is downloadable from the following websites:

<http://www.oweb.state.or.us/publications/index.shtml>

<http://www.oregon-plan.org/guidelines/index.html>

Websites – Permit assistance

CAL-GOLD Permit Assistance

<http://www.calgold.ca.gov/>

CAL-EPA Permit Assistance Centers

<http://www.calepa.ca.gov/PACs/>

State of California Dept. of Commerce, Office of Permit Assistance

http://www.commerce.ca.gov/state/ttca/ttca_homepage.jsp

Choose *Permits & Licenses* from the menu choices.

California Wetlands Information System Permitting Flowchart

<http://ceres.ca.gov/wetlands/permitting/chart.html>

Websites – Funding

State Agency Biodiversity Funding

http://ice.ucdavis.edu/guide_to_california_programs_for_biodiversity_conservation/sfundopp.htm

Funding Opportunities within Non-governmental Organizations

http://ice.ucdavis.edu/guide_to_california_programs_for_biodiversity_conservation/nfundopp.htm

Funding Sources for Water Quality

<http://www.nal.usda.gov/wqic/funding.html>

UC Sustainable Agriculture Research and Education Program

<http://www.sarep.ucdavis.edu/grants/request.htm>

State Water Resources Control Board Funding

Overview of Funding Sources: <http://www.swrcb.ca.gov/nps/ofundsrc.html>

Funding for Citizen Monitoring & Water Quality: <http://www.swrcb.ca.gov/nps/funding.html>

Bond programs: <http://www.swrcb.ca.gov/prop13/bond.html>

NOAA NMFS Funding Opportunities for Community-Based Restoration

<http://www.nmfs.noaa.gov/habitat/restoration/funding.html>

NRCS Financial Assistance Programs

Locally led Conservation Groups are encouraged to contact the NRCS State Office for more specific information on what programs are available for their projects.

<http://www.nrcs.usda.gov/NRCSProg.html>

Section 4 • LOCAL AGENCIES

City/County Planning Department

Many City or County planning departments have local ordinances pertaining to creeks and wetlands, and depending on the nature of the project several other permits/ exceptions/approvals may be required as well. If your property is location within city limits, check with your local Planning Department for required permits. Permitting requirements vary from city to city.

Make your local planning department your first stop. It is a good idea to request a consultation with a local planner early in planning your project and before you submit an application. They will give you a better idea of the scope of the permitting process.

City/County Environmental Health Department

Local Environmental Health Departments provide education, monitoring and enforcement of business entities including retail, food and hazardous materials handlers. This agency may be involved if work on the stream, or discharge into the stream pose a public health hazard.

Local Irrigation, water or flood control district

Irrigation, Water or Flood Control Districts are empowered to protect water resources within their jurisdiction which may require a permit for certain projects. Call your local LAFCO office to find out if your project is within the boundaries of any such district. Then call the District to find out if they need to be involved.

Resource Conservation Districts

Resource Conservation Districts (RCD) are non-regulatory local entities which give assistance to agricultural and other landowners. Resource Conservation Districts (RCDs) are units of government organized by residents under State law. Districts operate on the premise that local people know more about local problems than anyone else. Bridging agricultural issues with science, education and government, RCDs are an information network assisting with landowner resource issues to provide solutions. Districts are empowered to conduct soil and water resources research, make improvements on public lands, disseminate conservation information, assist private landowners, develop soil and water conservation plans, and establish standards of cropping tillage and range practices. RCDs often work in conjunction with NRCS to provide technical assistance on projects and specific resource problems. To find your local RCD, call California Association of Resource Conservation Districts (CARCD) at (916) 447-7237, online <http://www.carcd.org> or via email staff@carcd.org. You may also contact National Association of Conservation Districts (NACD) Service Center at (800) 825-5547 x21.

The NRCS-RCD Connection

The relationship between RCDs and the USDA NRCS has been long-standing. The duo formally ratified their relationship through a Memorandum of Understanding signed over fifty years ago and revised in 1994. NRCS and RCDs have a close working relationship within districts, with NRCS appointing a local District Conservationist to provide technical assistance to districts, as well as acting as a liaison between the district and federal programs. Local offices of the NRCS also frequently employ other specialists, such as soil conservationists and engineers, to provide technical assistance to the district board. RCDs are primarily responsible for providing leadership and locally determined policies within districts, with assistance provided by the state and federal government. The RCD-NRCS relationship reinforces the idea of “locally led conservation” with individual districts being responsible for exerting leadership to identify local resource needs, advocate for effective solutions and work with appropriate parties on implementation. (See NRCS under Federal Agencies)

Section 5 • STATE AGENCIES

California Department of Fish and Game

(916) 653-7664

www.dfg.ca.gov

Streambed Alteration Agreement (1603 Permit) – This permit is required for any work that occurs in, on, over or under a waterway, from the bed of a stream to the top of the bank, any work that will divert or obstruct the natural flow of water, change the bed, channel, or bank of any stream, or use any material from the streambed. This permit is also required when removing exotic vegetation from a riparian area.

The California Department of Fish and Game requires a Stream Alteration Agreement (SAA) for projects that will divert or obstruct the natural flow of water, change the bed, channel or bank of any stream, or use any material from a streambed. The SAA is a contract between the applicant and the DFG stating what can be done in the riparian zone and stream course. The department is interested in any work undertaken in or near a river, stream, or lake that flows at least intermittently through a bed or channel. If you have any uncertainty about the need for an SAA you should contact the Department's Regional Office in your area.

Regional Offices

Region 1 (Northern California & North Coast Region)

601 Locust Street
Redding, CA 96001
(530) 225-2300

Region 2 (Sacramento Valley & Central Sierra Region)

1701 Nimbus Road, Suite A
Rancho Cordova, CA 95670
(916) 358-2900

Region 3 (Central Coast Region)

7329 Silverado Trail
P.O. Box 47
Napa, CA 94558
(707) 944-5500

Region 4 (San Joaquin Valley & Southern Sierra Region)

7329 East Shaw Avenue
Fresno, CA 93710
(559) 243-4005

Region 5 (South Coast Region)

4949 View Ridge Avenue
San Diego, CA 92123
(858) 467-4201

Region 6 (Eastern Sierra & Inland Deserts Region)

4775 Bird Farm Road
Chino Hills, Ca 91709
(909) 597-9823

State Water Resources Control Board

1001 I Street, Sacramento, CA 95814

(916) 341-5250

<http://www.swrcb.ca.gov>

The California Legislature established the State Water Resources Control Board (SWRCB) and the nine Regional Water Quality Control Boards in 1967. The State Board administers the state's water quality, water pollution control and water rights functions under California's Environmental Protection Agency. The State Board provides policy guidance and budgetary authority to the nine Regional Water Quality Control Boards, which conduct planning, permitting and enforcement activities. The joint action of the State Board and Regional Boards provide a comprehensive program for managing water in California.

The State Board is organized into four divisions encompassing three broad program areas and an administration function that supports the State Board and the nine Regional Boards. The non-administrative divisions are listed below:

Division of Water Rights

**1001 I Street, 14th Floor
Sacramento, CA 95814**

(916) 341-5300

Water Rights Permit – This permit is required when there is intention to take water from a creek for storage or for direct use on nonriparian land.

Anyone wanting to divert water from a stream or river not adjacent to his or her property must first apply for a water rights permit from the State Board. The State Board issues permits for water rights specifying amounts, conditions and construction timetables for diversion and storage. Decisions reflect water availability, recognizing prior rights and flows needed to preserve instream uses, such as recreation and fish habitat, and whether the diversion is in the public interest. Any persons or agencies intending to take water from a creek for storage or direct use on non-riparian land must first obtain a Water Rights Permit. To grant a Water Rights Permit, the Board considers under what conditions water will be taken and used. The goal of the Board is to assure that California's water resources are put to maximum beneficial use and that the best interests of the public are served. If you are uncertain whether you need a permit or have questions about your present use of water, call the number listed above.

Division of Water Quality

1001 I Street, 15th Floor

Sacramento, CA 95814

(916) 341-5455

The Division of Water Quality works to protect California water through watershed management principles. Both point and nonpoint sources of pollution are targeted for application of these principles. Along with the U.S. EPA, the State and Regional Boards effectively direct state and federal funds to the highest priority of local watershed solutions.

Division of Clean Water Programs (CWP)

1001 I Street, 16th & 17th Floor

Sacramento, CA 95814

(916) 341-5700

The State Board has several programs to help local agencies and individuals prevent or clean up pollution of the state's water:

- Low interest loans are available from the State Revolving Fund for wastewater treatment, water recycling, implementation of nonpoint source and storm drainage pollution control management programs, and implementation of estuary conservation and management programs.
- Grants are available to small communities for wastewater treatment.
- Low interest loans are available from the Water Recycling Loan Program for wastewater recycling.
- Low interest loans are available from the Seawater Intrusion Control Program for the control of seawater intrusion into potable water aquifers.

- Grants are available for the Underground Storage Tank Cleanup Fund to help individual tank owners clean up petroleum products that have leaked into the ground.

California Regional Water Quality Control Boards

There are nine Regional Water Quality Control Boards. Regional Boards engage in a number of water quality functions in their respective regions. One of the most important is preparing and periodically updating Basin Plans which are water quality control plans. Regional Boards regulate all pollutant or nuisance discharges that may affect either surface water or groundwater. The permits you may need to obtain from the Regional Water Quality Control Board office in your area are as follows:

National Pollution Discharge Elimination System (NPDES) Permit

This permit is required when proposing to, or discharging of waste into any surface water of the state. For discharges to surface waters, these requirements become a federal National Pollution Discharge Elimination System (NPDES) Permit from the Regional Board in the project area (see areas listed below).

Federal Clean Water Act (CWA) Section 401 Water Quality Certification

This certificate is required for every federal permit or license for any activity which may result in a discharge into any waters in the United States. Activities include flood control channelization, channel clearing, and placement of fill. Federal CWA Section 401 requires that every applicant for a U.S. Army Corps of Engineers *CWA Section 401* permit or *Rivers and Harbors Act Section 10* permit must request state certification from the Regional Board that the proposed activity will not violate State and Federal water quality standards. The Regional Board reviews the request for certification and may waive certification, or may recommend either certification or denial of certification to the State Board Executive Director.

The Regional Boards in each area recognize local differences in climate, topography, geology and hydrology:

North Coast Region [1]
(707) 576-2220

San Francisco Bay Region [2]
(510) 622-2300

Central Coast Region [3]
(805) 549-3147

Los Angeles Region [4]
(213) 576-6600

Central Valley Region [5S]
(916) 255-3000

Fresno Branch Office [5F]
(559) 445-5116

Redding Branch Office [5R]
(530) 224-4845

Lahontan Region [6SLT]
(916) 542-5400

Victorville Office [6V]
(760) 241-6583

Colorado River Basin Region [7]
(760) 346-7491

Santa Ana Region [8]
(909) 782-4130

San Diego Region [9]
(858) 467-2952

Section 6 • FEDERAL AGENCIES

USDA Natural Resources Conservation Services 530-792-5700

www.nrcs.usda.gov

The Natural Resources Conservation District (NRCS), formerly the Soil Conservation Service, is an agency of the U.S. Department of Agriculture working with private landowners to conserve and protect soil, water, air, plants and animals. NRCS helps land users and communities to approach conservation planning and implementation with an understanding of how natural resources relate to each other, and how land use activities affect natural resources. NRCS, in cooperation with Resource Conservation Districts and other local, state and federal agencies, provides free technical information and assistance to landowners and land users upon request, to address management concerns for natural resources such as cropland and pastureland, rangeland, woodland, water resources, disturbed areas, and watersheds. NRCS also provides free soil survey information. NRCS is non-regulatory and does not provide an permits, just recommendations. The intent of NRCS planning, whether on an individual farm or in a larger area such as a watershed, is all about helping individuals and organizations make better, informed decisions concerning resource use and the environment. The NRCS process already meets the minimum NEPA EIS requirements. Examples of some of the types of assistance NRCS provides:

- Conservation Planning,
- Technical and Financial Assistance,
- Resource Assessment,

- Technology Development.

NRCS watershed planning services provides the following assistance on watershed projects:

- Clarify local objectives.
- Inventory and assess resources.
- Analyze resource problems.
- Identify opportunities to prevent resource problems.
- Formulate alternatives to solve or prevent resource problems.
- Evaluate alternatives.
- Recommend specific actions.
- Review and summarize studies and reports.
- Develop procedures/methods (e.g. planning procedures).
- Plan projects (including planning scope, quality, cost, schedule, staff, risk, procurement, and contracting).
- Monitor results.

U.S. Army Corps of Engineers

<http://www.usace.army.mil>

San Francisco District – (415) 977-8462

Sacramento District – (916) 557-5250

Los Angeles District – (213) 452-3425

Section 404 Permit – A Section 404 permit is required when work involves placement of fill or discharge of dredged materials into any “waters of the United States.” This includes sedimentation caused by erosion.

Section 10 Permit – This permit is required when working or erecting structures in or affecting “navigable waters.” In a watershed this includes any waters affected by tidal influence.

If you are planning work in a river, stream, or wetland, a Corps permit may be required. The regulatory authority of the U.S. Army Corps of Engineers for riparian projects is based on Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act. Section 404 of the Clean Water Act requires Corps authorization for work involving intentional or unintentional placement of fill or discharge of dredged materials into any “waters of the United States.” This applies even if there is a chance the winter rains may cause erosion leading to sediment discharges into the “waters.” Section 10 of the Rivers and Harbors Act requires Corps authorization for work or structures in or affecting “navigable waters”. Corps jurisdiction extends up to the ordinary high water line for non-tidal waters and up to the line of high tide (for dredge and fill) or mean high water line (for work or structures) for tidal waters. If you have questions, want to obtain a permit application packet and information describing the regulatory program, or want to request a pre-application consultation meeting, contact the local Corps district regulatory office.

National Marine Fisheries Service

(707) 575-6050

www.nmfs.noaa.gov

Written authorization must be obtained for any activities that may impact a federally listed species.

The National Marine Fisheries Service (NMFS) is the federal agency responsible for the conservation and management of the nation's living marine resources. Projects or activities that may affect marine fish and related habitat within NMFS jurisdiction are reviewed for any potentially harmful effects. These evaluations are conducted under the authorities of the Endangered Species Act (ESA), Magnuson-Stevens Fishery Conservation and Management Act, Fish and Wildlife Coordination Act, and the National Environmental Policy Act. The purpose of reviews conducted by NMFS is to ensure that sensitive populations of marine and anadromous fish (such as salmon and steelhead), as well as the aquatic and riparian habitat that support these fish, can survive and recover in the presence of human activities. Through these reviews, the need to conserve and protect fish and habitat is balanced with the need to responsibly utilize natural resources for economic and other purposes. The types of projects and activities of interest to NMFS include streambank stabilization, streambed alteration, habitat restoration, flood control, urban and industrial development, and water resource utilization. When projects or activities require a federal permit, such as a Clean Water Act section 404 permit from the Army Corps of Engineers, then NMFS conducts a consultation with the federal agency under section 7 of the ESA. When there is no federal involvement, then for projects that incidentally "take" a listed species a permit under section 10 of the ESA is required.

NMFS Southwest Region Field Offices

Northern California Field Office (Humboldt to the Oregon border)
1655 Heindon Road
Arcata, CA 95221
(707) 825-5163

Central Valley Field Office
650 Capitol Mall, Suite 8-300
Sacramento, CA 95814
(916) 930-3601

Southwest Field Office and Regional Headquarters (San Luis Obispo County and South)
501 West Ocean Blvd, Suite 4200
Long Beach, CA 90802
(562) 980-4000

Central California Coast Field Office (Monterey County north to Mendocino Co., & San Francisco Bay)
777 Sonoma, Room 325
Santa Rosa, CA 95404
(707) 575-6050

California Reclamation Board

(916) 653-5726

The State Reclamation Board cooperates with the U.S. Army Corps of Engineers in controlling flooding along the Sacramento and San Joaquin Rivers and tributaries. The Board's jurisdiction includes the entire Central Valley, including all tributaries and distributaries of the Sacramento and San Joaquin Rivers and Tulare and Buena Vista basins. (Their jurisdictional area extends through 14 counties and 1.7 million acres lying along the most flood prone portions of the two rivers.) The Board enforces, within its jurisdiction, on behalf of the State of California, appropriate standards for the construction, maintenance, and protection of adopted flood control plans that will best protect the public from floods. Approval by The Reclamation Board is required for project or uses that encroach into rivers and waterways within Federal and State authorized flood control projects, or designed floodways adopted by the Board. Board permit must be obtained before you begin any construction work.

The Board exercises jurisdiction over the levee section, the waterward area between project levees, 10-feet landward of the landward levee toe, and within designated floodways adopted by the Board. Maps of designated floodways are available for inspection at the Board's offices in Sacramento, City and County Planning or Public Works Departments, some public libraries and County Recorders offices. Questions about proposed projects or uses that may require Board approval should be directed to the Board's offices in Sacramento.

The State has a primary interest in adequately protecting lands subject to overflow; Confining the waters of rivers, tributaries, bypasses, overflow channels, and basins within their respective boundaries; Preserving the welfare of residents and landowners; Maintaining and protecting and banks of the Sacramento and San Joaquin Rivers, their tributaries, bypasses, overflow channels, and basins; and Good and sufficient levees and embankments or other works of flood control and reclamation, to adequately protect lives and property from floods.

Section 7 • REGIONAL AGENCIES

The California Coastal Commission

Coastal Development Permit - Any person or public agency proposing development within the coastal zone must obtain a Coastal Development Permit from either the Coastal commission or the city or county having authority to issue coastal development permits.

The California Coastal Act of 1976 requires any person proposing to develop in the coastal zone to obtain a Coastal Development Permit. The coastal zone extends from the State's three-mile seaward limit to an average of approximately 1,000 yards inland from the mean high tide of the sea. In coastal estuaries, watersheds, wildlife habitats, and recreational areas, the coastal zone may extend as much as five miles inland. In developed urban areas, the coastal zone may extend inland less than 1,000 yards. As defined by the Coastal Act, "development" includes land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredge material or a gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining or extraction of any material; change in the density or intensity of use of land (including land diversions); construction, reconstruction, demolition, or alternation of the size of any structure; and the removal or harvesting of major vegetation other than for agricultural

operations, kelp harvesting, and timber operations which are in accordance with a Timber Harvest Plan issued by the California Department of Forestry and Fire Protection.

Coastal Development Permit applications for projects in or near coastal streams can often be obtained from your local Planning Department. Coastal Development Permits issued by local governments, for projects within 100 feet of a coastal stream, can be appealed to the Coastal Commission. Projects proposed in or adjacent to existing or historic coastal wetland area, require Coastal Development Permits issued by the Coastal Commission.

To find out if your project is in the coastal zone, is appealable to the Coastal Commission, or requires a Coastal Development Permit issued by the Commission, contact the planning division of your local government and provide them with the property's address and Assessor Parcel Number (APN). Questions regarding the Coastal Commission's appeal and permitting process should be directed to the District Office of the Coastal Commission within the proposed project area.

CALIFORNIA COASTAL COMMISSION DISTRICT OFFICES

North Coast District

Counties: Del Norte, Humboldt, Mendocino
(707) 445-7833

North Central Coast District

Counties: Sonoma, Marin, San Francisco, San Mateo
(415) 904-5260

Central Coast District

Counties: Santa Cruz, Monterey, San Luis Obispo
(831) 427-4863

South Central Coast District

Santa Barbara, Ventura, Malibu & Santa Monica Mountains area of Los Angeles County
(805) 585-1800

South Coast District

Los Angeles, Orange
(562) 590-5071

San Diego Coast District

San Diego
(619) 767-2370

San Francisco Bay Conservation and Development Commission (BCDC)

(415) 352-3600

www.bcdc.ca.gov

Projects that fill, extract materials, or change the use of water, land, or structures in or around San Francisco Bay must first obtain a permit from the BCDC. Fill is defined broadly as placing solid material, building pile-supported or cantilevered structures, disposing of material or permanently mooring vessels in the Bay or in certain tributaries of the Bay. The Commission's permit jurisdiction includes San Francisco Bay which is defined as the open water, marshes and mudflats of greater San Francisco Bay, including Suisun, San Pablo, Honker, Richardson, San Rafael, San Leandro and Grizzly Bays and the Carquinez Strait. Jurisdiction includes the first 100 feet inland from the shoreline around San Francisco Bay, the portion of the Suisun Marsh-including levees, waterways, marshes and grasslands- below the ten-foot contour line, portions of most creeks, rivers, sloughs and other tributaries that flow into San Francisco Bay, salt ponds, duck hunting preserves, game refuges and other managed wetlands that have been diked off from San Francisco Bay. Call the Commission for more information regarding permit jurisdiction and procedures.

Tahoe Regional Planning Agency

(775) 588-4547

www.trpa.org

The Lake Tahoe Regional Planning Agency (TRPA) leads the cooperative effort to preserve, restore, and enhance the unique natural and human environment of the Lake Tahoe Region. The jurisdiction of the TRPA is the Lake Tahoe Watershed covering parts of El Dorado and Placer Counties in California. Any project located near a stream or a "stream environment zone" will require a TRPA permit.

Section 8 • ADDITIONAL REGULATIONS THAT MAY BE TRIGGERED BY YOUR PROJECT

Federal

National Wild and Scenic Rivers Act – Any project to be carried out or partially funded by a federal agency and is a water resources project that may affect the free-flowing characteristics, scenic value, or natural resources of a wild and scenic river or scenic river.

Executive Order 11990 (Protection of Wetlands) – Any project that is located on federal land, sponsored by a federal agency, or funded with federal monies and may affect wetlands.

Executive Order 11988 (Floodplain Management) – Any project that is located on federal land, sponsored by a federal agency, or funded with federal monies and may affect a floodplain.

Fish and Wildlife Coordination Act – Any project that is sponsored or funded by a federal agency and is intended to control or modify surface water.

Section 106 of the National Historic Preservation Act – A project that is located on federal land, sponsored by a federal agency, permitted by a federal agency, or funded with federal monies AND will occur in an area where there exists or may exist properties listed or eligible for listing on the National Register of Historic Places.

Farmland Protection Policy Act – Any project that is located on federal land, sponsored by a federal agency, or funded with federal monies and involved prime or unique farmland as identified by the NRCS.

American Indian Religious Freedom Act – Any project that is located on federal land, sponsored by a federal agency, or funded with federal monies and could involved impacts on the observance of traditional Native American religions.

Indian Trust Assets – A project could affect Indian trust assets.

Executive Order 12898 (Environmental Justice in Minority and Low-Income Populations) – Any project that is located on federal land, sponsored by a federal agency, or funded with federal monies and may affect minority or low-income populations.

State

California Wild and Scenic Rivers Act – Any project that takes place on a river segment designated as wild, scenic, or recreational that could affect the resources for which the river was designated.

State Lands Commission land use lease – A project would be conducted in state-owned areas waterward of the ordinary high water mark as it last existed naturally, before artificial influences, in waterways that are subject to tidal action, OR the ordinary low-water mark before artificial influences, in waterways that are not subject to tidal action.

California State Reclamation Board permit – A project involves the placement, construction, reconstruction, removal or abandonment of any landscaping, culvert, bridge, conduit, fence, projection, fill, embankment, building, structure, obstruction, or encroachment within an area under the jurisdiction of the Reclamation Board; or work of any kind within an area for which there is an adopted flood-control plan.

California Department of Transportation, encroachment permit – A project includes an area within, under, or over a State highway right-of-way.

Air districts' authority to construct and permit to operate – Activity involves a new or modified source of air pollutant emissions or fugitive dust emissions.

Section 9 • ANALYZE YOUR PROJECT

See attached Excel Spreadsheet