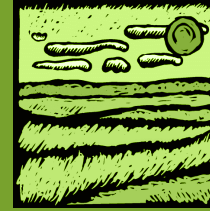


Guide to Watershed Project Permitting for the State of California



California Association of Resource Conservation Districts



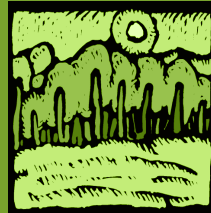
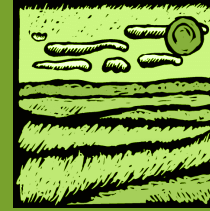


Table of Contents

Section 1	Navigating the Permitting Process	1
Section 2	Practical Tips for Getting Your Project Approved	3
Section 3	Local Agencies	4
Section 4	State Agencies	4
Section 5	Federal Agencies	7
Section 6	Regional Agencies	8
Section 7	Resources and Printed References	9
Section 8	Analyze Your Project	11



California Association of Resource Conservation Districts

Web: www.carcd.org/permitting/main.htm

Section I • NAVIGATING THE PERMITTING PROCESS

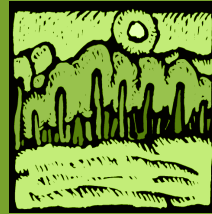
A permit is an authorization, license, or equivalent control document issued by the federal, state or local government or other agency to implement the requirements of a regulation or law. A permit is an agreement between the issuing agency and the applicant whereby the applicant agrees to follow the applicable codes and laws governing a project or type of land use. By issuing and tracking permits, local, state and federal agencies can set minimum standards for activities that protect California's environment both 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 that could have an adverse impact on a wetland or riparian area (creek or stream), clearing vegetation, disturbing ground, or conducting work near a sensitive area requires permits from numerous agencies. Restoration projects typically include the type of work that would require permits. 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 available 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 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	IRWMP	Integrated Regional Water Management Plan
BCDC	San Francisco Bay Conservation and Development Commission	LAA	Likely to adversely affect
		LAFCO	Local Agency Formation Commission
BMP	Best Management Practices	JARPA	Joint Aquatic Resources Permit Application
CALTRANS	California Department of Transportation	NEPA	National Environmental Policy Act



SECTION
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CDFG	California Department of Fish & Game	NLAA	Not likely to adversely affect
CEQA	California Environmental Quality Act	NMFS	National Marine Fisheries Service
CESA	California Endangered Species Act	NOAA	National Oceanic and Atmospheric Administration
CRMP	Coordinated Resource Management and Planning	NPDES	National Pollutant Discharge Elimination System
CVFPB	Central Valley Flood Protection Board		
CWA	Clean Water Act	NRCS	Natural Resources Conservation Service
DWR	Department of Water Resources	NWP	Nationwide Permits
EIS	Environmental Impact Statement	RCD	Resource Conservation District
EPA	US Environmental Protection Agency	RWQCB	Regional Water Quality Control Board
ESA	Endangered Species Act	SAA	Streambed Alteration Agreement
FOTG	Field Office Technical Guide	SWRCB	State Water Resources Control Board
HARASS	"Harass" is defined by the USFWS as an intentional or negligent act or omission which creates the likelihood of injury to a listed species by annoying it to such an extent as to significantly disrupt normal behavioral patterns which include, but are not limited to, breeding, feeding, or sheltering.	TAKE	To hunt, harm, harass, pursue, shoot, wound, kill, capture, trap, or collect a federally listed species
		T&E	Threatened and Endangered
		TMDL	Total maximum daily load
		TRPA	Tahoe Regional Planning Agency
		UCCE	University of California Cooperative Extension
Harm	"Harm" is defined by the USFWS to include significant habitat modification or degradation that results in death or injury to listed species by impairing behavioral patterns including breeding, feeding, or sheltering.	USACOE	United States Army Corps of Engineers
		USBR	US Bureau of Reclamation
		USDA	US Department of Agriculture
		USFS	US Forest Service
		USFWS	US Fish and Wildlife Service
HCP	Habitat Conservation Plan	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 associated with 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 Section 8). 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 a federal agency provides financial assistance but is not mandated when a federal agency (such as the NRCS) provides only technical assistance.

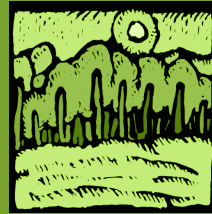
California Environmental Quality Review

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

Assistance Organizations

Resource Conservation Districts

Resource Conservation Districts (RCDs) are non-regulatory local entities which give assistance to agricultural and other landowners. 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, contact 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 (202) 547-NACD.

California Coordinated Resource Management and Planning (CRMP) or watershed groups

Before starting your project, it may be helpful to also contact your local CRMP or watershed groups. These groups are unique to a local area and may be able to provide partnership efforts or technical and coordination assistance on your project. For more information on CRMPs, contact the California CRMP Council at (916) 447-7237 or email cacmp@ca.nacdnet.org. A listing of watershed groups can be found at the UC Davis Natural Resource Projects Inventory (NRPI) website: <http://www.ice.ucdavis.edu/nrpi>.

UC Cooperative Extension (UCCE)

University of California Cooperative Extension (UCCE) offices are local problem-solving centers. Over 400 campus-based specialists and county-based agriculture, natural, and human resource advisors work as teams to bring the University's research-based information to Californians through more than 50 county offices. UCCE is a full partnership of federal, state, county, and private resources linked in applied research and educational outreach and tailors its programs to meet local needs. The Division also operates ten research and extension centers, or field stations, to test agricultural research and support UC's out-reach to local growers and ranchers. Each center is located in a different terrain and climate, from the Oregon border to the desert 700 miles south. Through these centers and offices, UCCE faculty and staff provide technical and program support for agriculture and natural resource management including habitat restoration. To find your county extension office, visit <http://ucanr.org/ce.cfm>.

Department of Conservation

Division of Land Resource Protection, RCD Assistance Unit

(916) 324-0850

www.conservation.ca.gov/dlrp/RCD

The California Department of Conservation's Division of Land Resource Protection supports conservation at the local level by providing assistance to the state's Resource Conservation Districts (RCDs). This support comes in many forms one of which

is permit assistance. The RCD Assistance Unit can provide RCDs with basic guidance about environmental compliance and permitting issues. DOC's permit assistance is only offered to RCDs.

USDA Natural Resources Conservation Services 530-792-5600

www.nrcs.usda.gov

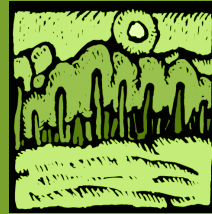
The Natural Resources Conservation Service (NRCS), formerly the Soil Conservation Service, is an agency of the U.S. Department of Agriculture working with private landowners to conserve and protect soil, water, air, plants and animals.

NRCS is non-regulatory and does not provide permits, just recommendations. 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. In cooperation with Resource Conservation Districts and other local, state and federal agencies, NRCS 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. 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. NRCS can provide Conservation Planning, Technical and Financial Assistance, Resource Assessment, and 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.

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.

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. Additional requirements after review could take additional time. For example, projects that affect listed species require by statute an additional formal consultation process that will take 135 days or more. 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 Organizations

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. Refer to Section 1 for a full listing of assistance organizations and their contact information.

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 neighbors, 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

The permitting process can be challenging, but resisting the process is counterproductive. Diplomacy and courtesy go further than animosity in navigating your way through.

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.

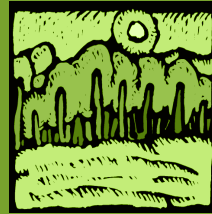
7) Be willing to negotiate

The permit process has been established because of the public concern for protecting waterways and species of concern, 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,





SECTION 2&3

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. 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 and can save you money in future costs for erosion control measures. Native 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 • LOCAL AGENCIES

City/County Planning Department

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.

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. Since permitting requirements vary from area to area, check with your city and county Planning Department(s) for required permits in your area.

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. To find your local office visit <http://calafco.org/directory.htm>. Then call the District to find out if they need to be involved.

Section 4 • STATE AGENCIES

California Department of Fish & Game

(916) 445-0411

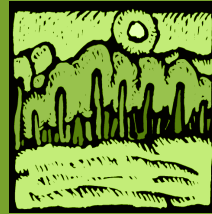
Lake and Streambed Alteration Agreements

<http://www.dfg.ca.gov/habcon/1600>

California Department of Fish and Game (DFG) administers the Lake and Streambed Alteration (LSA) Program pursuant to the Fish and Game Code (FGC) sections 1600-1616. FGC Section 1602 requires an entity to notify California Department of Fish and Game (DFG) of any proposed activity that will:

- substantially divert or obstruct the natural flow of any river, stream or lake;
- substantially change or use any material from the bed, channel, or bank of, any river, stream or lake;
- or deposit or dispose or debris, waste, or other material containing crumbled, flaked or ground pavement where it may pass into any river, stream, or lake.

The notification requirement applies to work undertaken in or near any river, stream, or lake. If DFG determines that the activity described in a notification may substantially adversely affect an existing fish or wildlife resource, DFG and the entity enter into a LSA Agreement that includes reasonable measures necessary to protect the resource. DFG must comply with the California Environmental Quality Act (CEQA) before it can execute a LSA Agreement.



Incidental Take Permits

<http://www.dfg.ca.gov/habcon/cesa>

Incidental Take Permit (Fish and Game Code: 2081(b) and (c))- The California Endangered Species Act (CESA) prohibits “take” of any species that the Fish and Game Commission determines to be an endangered species or a threatened species. Take is defined in Section 86 of the Fish and Game Code as “hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill.” Sections 2081(b) and (c) of the California Endangered Species Act allow the Department to issue an incidental take permit (ITP) for a State listed threatened or endangered species only if specific criteria are met. These criteria are as follows:

1. The authorized take is incidental to an otherwise lawful activity;
2. The impacts of the authorized take are minimized and fully mitigated;
3. The measures required to minimize and fully mitigate the impacts of the authorized take:
 - a. are roughly proportional in extent to the impact of the taking on the species,
 - b. maintain the applicant’s objectives to the greatest extent possible, and
 - c. are capable of successful implementation;
4. Adequate funding is provided to implement the required minimization and mitigation measures and to monitor compliance with and the effectiveness of the measures; and
5. Issuance of the permit will not jeopardize the continued existence of a State-listed species.

Consistency Determination (Fish and Game Code: 2080.1)- Species listed under the federal Endangered Species Act and CESA, may qualify for a Consistency Determination if the Director is notified of the federal ITP in writing and the federal document is “consistent” with CESA. If the Department determines the federal ITP is not consistent with CESA, the applicant must apply for an ITP from the Department.

DFG Regional Offices

Region 1 (Northern California & North Coast Region)
601 Locust Street

Region 2 (Sacramento Valley & Central Sierra Region)
1701 Nimbus Road

Redding, CA 96001
(530) 225-2300

Region 3 (Central Coast Region)

7329 Silverado Trail
P.O. Box 47

Napa, CA 94558
(707) 944-5500

Region 5 (South Coast Region)

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

Rancho Cordova, CA 95670
(916) 358-2900

**Region 4 (San Joaquin Valley &
Southern Sierra Region)**

1234 East Shaw Avenue
Fresno, CA 93710
(559) 243-4005 x151

**Region 6 (Eastern Sierra & Inland
Deserts Region)**

3602 Inland Empire Blvd, Suite C-220
Ontario, Ca 91764
(909) 484-0167

State Water Resources Control Board

1001 "I" Street, Sacramento, CA 95814
(916) 341-5254

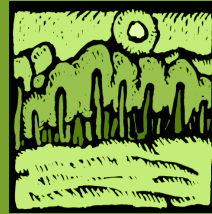
<http://www.swrcb.ca.gov>

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 areas encompassing three broad program divisions and an administration division that supports the State Board and the nine Regional Boards. The non-administrative divisions are listed on the next page.

- ▶ **Division of Water Rights**
1001 "I" Street
Sacramento, CA 95814
(916) 341-5300





SECTION

4

http://www.waterrights.ca.gov/html/wr_process.htm

Water Right 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 right 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 Right Permit. To grant a Water Right 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) 341-5300

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 Financial Assistance
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

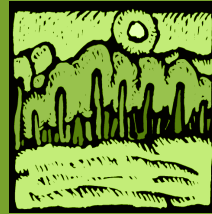
This permit is required when proposing to, or discharging of waste into any surface water of the state. For discharges to surface waters, these requirements become a federal National Pollution Discharge Elimination System (NPDES) Permit from the Regional Board in the project area (see areas listed below).

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.

► Total Maximum Daily Loads (TMDLs)

Section 303(d) of the federal Clean Water Act requires states to develop TMDLs for impaired waterbodies. A TMDL is a written plan that describes how an impaired water body will meet water quality standards. It contains:



SECTION 4&5

- A measurable feature to describe attainment of the water quality standard(s)
- A description of required actions to remove the impairment
- An allocation of responsibility among dischargers to act in the form of action or water quality conditions for which each discharger is responsible.

TMDLs in California are developed either by RWQCBs or by USEPA. TMDLs developed by RWQCBs are designed as Basin Plan amendments and include implementation provisions. TMDLs developed by USEPA typically contain the total load and load allocations required by Section 303(d), but do not contain comprehensive implementation provisions. TMDLs are currently required for all waters and pollutants on the 303(d) list. http://www.swrcb.ca.gov/water_issues/programs/tmdl/303d_lists.shtml

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

North Coast Region [1]

Santa Rosa, CA
(707) 576-2220

San Francisco Bay Region [2]

Oakland, CA
(510) 622-2300

Central Coast Region [3]

San Luis Obispo, CA
(805) 549-3147

Los Angeles Region [4]

Los Angeles, CA
(213) 576-6600

Central Valley Region [5S]

Rancho Cordova, CA
(916) 464-3291

Fresno Branch Office [5F]

Fresno, CA
(559) 445-5116

Redding Branch Office [5R]

Redding, CA
(530) 224-4845

Lahontan Region [6SLT]

South Lake Tahoe, CA
(916) 542-5400

Victorville Office [6V]

Colorado River Basin Region [7]

Victorville, CA
(760) 241-6583

Palm Desert, CA
(760) 346-7491

Santa Ana Region [8]
Riverside, CA
(951) 782-4130

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

Section 5 • FEDERAL AGENCIES

U.S. Army Corps of Engineers

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

San Francisco District - (415) 503-6771

Sacramento District - (916) 557-5250

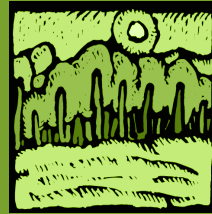
Los Angeles District - (213) 452-3425

Section 404 Permit - *This permit is required when work involves a discharge of dredged or fill material into any "waters of the United States."*

Section 10 Permit - *This permit is required when working or erecting structures in or affecting "navigable waters." This includes all waters affected by tidal influence or otherwise determined to be navigable.*

If you are planning work in surface waters such as rivers, streams, lakes, wetlands, any impoundments of these waters, or the territorial seas, a Corps permit may be required. Regulatory authorities of the U.S. Army Corps of Engineers include Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act. Section 404 of the Clean Water Act requires prior Corps authorization for any work involving a discharge of dredged or fill material into waters of the United States, including wetlands. Section 10 of the Rivers and Harbors Act requires Corps authorization for work or structures in or affecting navigable waters. Corps jurisdiction extends to the ordinary high water mark and/or the upper extent of wetlands for non-tidal waters and up to the high tide line, or mean high water, and/or the upper extent of wetlands for tidal waters. If you have any questions, want to obtain a permit application packet and information describing the regulatory program, or want to request a pre-application consultation meeting, please contact the local Corps district regulatory office.





U.S. Fish and Wildlife Service
2800 Cottage Way, Room W-2606
Sacramento, CA 95825-1846
(916) 414-6464
www.fws.gov

Incidental take permits- *If a project may result in an “incidental take” of a listed species, an incidental take permit is required. An incidental take permit allows a non-federal landowner to proceed with an activity that is legal in all other respects, but that results in “incidental taking” of a listed species. The incidental take permit authorizes the take, not the activity that results in the take. The activity itself must comply with other applicable laws and regulations. A take is defined as: to hunt, harm, harass, pursue, shoot, wound, kill, capture, trap, collect or to attempt to engage in any such conduct.*

Take incidental to an otherwise lawful activity may be authorized by the U.S. Fish and Wildlife Service (USFWS) through one of two procedures; section 7 or section 10 of the Endangered Species Act (Act). A description of section 7 and section 10 procedures follows:

Section 7 - If a Federal agency is involved with the permitting, funding, or carrying out of a project and a listed species is going to be adversely affected, then initiation of formal consultation between the Federal agency and the Service pursuant to section 7 of the Act is required. Such consultation would result in a biological opinion addressing the anticipated effects of the project to the listed species and may authorize a limited level of incidental take.

Section 10 - If a Federal agency is not involved in the project, and federally listed species may be taken as part of the project, then an incidental take permit pursuant to section 10(a)(1)(B) of the Act should be obtained. The Service may issue such a permit upon completion of a satisfactory habitat conservation plan (HCP) for the listed species that would be taken by the project. FWS Field Offices are responsible for ensuring that the HCP and associated documents meet the issuance criteria specified in section 10 of the Endangered Species Act.

Safe harbor agreements are another permitting mechanism under section 10 of the Act. An Enhancement of Survival 10(a)(1)(A) Permit is issued to a non-federal landowner who enters into a safe harbor agreement with the USFWS. Safe harbor agreements are utilized when a non-federal landowner voluntarily enhances or manages habitat to provide a net conservation

benefit to a federally listed species.

The USFWS is the principal Federal agency for conserving, protecting and enhancing fish, wildlife, plants, and their habitats. USFWS and the National Marine Fisheries Service (NMFS) share responsibility for administration of the Endangered Species Act (ESA). The NMFS is responsible for marine fish and mammals, USFWS is responsible for freshwater fish and animals. USFWS enforces the federal ESA, ensures compliance with the National Environmental Policy Act, and reviews comments on all water resource projects. The USFWS also implements the Migratory Bird Treaty Act.

The Fish and Wildlife Coordination Act (Act) requires that all Federal Agencies consult with the USFWS, the NMFS, and State wildlife agencies (i.e. the California Department of Fish and Game) for activities that affect, control, or modify waters of any stream or body of water. Under the Act, USFWS and NMFS have responsibility for project review. The USFWS and NMFS may recommend denial of a permit application, or the incorporation of additional permit conditions to minimize adverse effects, or mitigation actions. In addition, the USFWS functions in an advisory capacity to the U.S. Army Corps of Engineers under the provisions of the Act and other legislation.

Field Offices:

ARCATA FISH AND WILDLIFE OFFICE
1655 HEINDON ROAD
ARCATA, CA 95521-5582

(707) 822-7201

VENTURA FISH AND WILDLIFE OFFICE
2493 PORTOLA ROAD SUITE B
VENTURA, CA 93003

(805) 644-1766

CARLSBAD FISH AND WILDLIFE OFFICE
6010 HIDDEN VALLEY ROAD
CARLSBAD, CA 92009

(760) 431-9440

YREKA FISH AND WILDLIFE OFFICE
1829 S. Oregon Street
YREKA, CA 96037

(530) 842-5763

SACRAMENTO FISH AND WILDLIFE OFFICE
2800 COTTAGE WAY ROOM W-2605
SACRAMENTO, CA 95825-1846

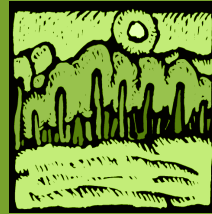
(916) 414-6600

National Marine Fisheries Service

(562) 980-4000

www.nmfs.noaa.gov

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



SECTION 5&6

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 Endangered Species Act (ESA) designated critical habitat, marine and anadromous fish, marine mammals 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, Marine Mammal Protection 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, or receive federal funds 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 95814-4708
(916) 930-3600

Southwest Field Office and Regional Headquarters
(San Luis Obispo County and South)
501 West Ocean Blvd.
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

Section 6 • REGIONAL & Misc. AGENCIES

Central Valley Flood Protection Board

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

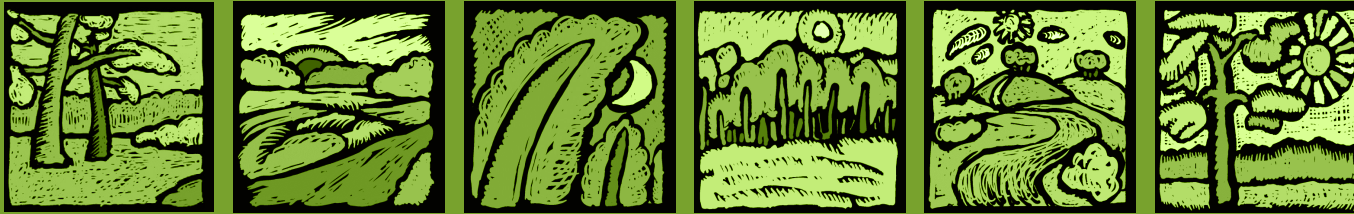
(916) 574-0685

The Central Valley Flood Protection 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 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 permits 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.





The California Coastal Commission

www.coastal.ca.gov

415-904-5200

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 an 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
(Del Norte, Humboldt, Mendocino)
(707) 445-7833

Central Coast District
(Santa Cruz, Monterey, San Luis Obispo)
(831) 427-4863

South Coast District
(Los Angeles, Orange)
(562) 590-5071

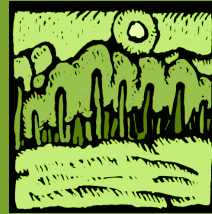
San Francisco Bay Conservation and
Development Commission (BCDC)
(415) 352-3600
www.bcdc.ca.gov

North Central Coast District
(Sonoma, Marin, San Francisco, San Mateo)
(415) 905-5260

South Central Coast District
(Santa Barbara, Ventura, Malibu, & Santa Monica
Mountains Area of Los Angeles County)
(805) 585-1800

San Diego Coast District
(619) 767-2370

Federal and non-federal projects that include filling, extracting material, such as dredging, or changing the use of land and structures within the San Francisco Bay or along the San Francisco Bay's shoreline must obtain authorization from 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. BCDC's jurisdiction includes the entire San Francisco Bay, which includes all areas that are subject to tidal action from the south end of the Bay to the Golden Gate and the Sacramento River line, including the open water, marshes and mudflats, saltponds, and managed wetlands (duck clubs) within Suisun, San Pablo, Honker, Richardson, San Rafael, San Leandro and Grizzly Bays and the Carquinez Strait. Specifically, in areas where marsh vegetation is not present, BCDC's jurisdiction includes the San Francisco Bay up to the mean high tide and extends 100-feet landward of the mean high tide line. Where marsh vegetation is present, BCDC's jurisdiction includes all marshlands up to the five-foot contour and extends 100-feet inland from the five-foot contour. BCDC's San Francisco Bay Plan is a policy document that further describes BCDC's jurisdiction on Bay Plan Maps and includes policies that guide the future uses of San Francisco Bay and shoreline. Contact BCDC and review the policy documents on their website for more information regarding jurisdiction and permitting.



Tahoe Regional Planning Agency

(775) 588-4547

www.trpa.org

The 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. TRPA has jurisdiction over land use in the Lake Tahoe Watershed, which covers parts of El Dorado and Placer Counties in California. Most projects located near a stream or a “stream environment zone” and project located on Lake Tahoe require a TRPA permit. TRPA has entered into agreements with the Tahoe Resource Conservation District and the Nevada Tahoe Conservation District to assist private property owners to implement Best Management Practices for water quality and non-point source pollution control. TRPA has streamlined its permitting processes especially regarding stream restoration, fuel reduction, and transportation improvement projects and free technical assistance may be available.

Section 7 • 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/fish/resources/HabitatManual.asp>

Field Office Technical Guides (FOTGs)

FOTGs are the primary technical reference for NRCS. They contain technical information about the conservation of soil, water, air, and related plant and animal resources. Technical guides used in each field office are localized so they apply specifically to the geographic area for which they are prepared. These documents are referred to as Field Office Technical Guides. You can find the FOTG for your specific geographical area online at your state NRCS office website or by contacting your local NRCS office.

<http://www.nrcs.usda.gov/technical/efotg>

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/technical/consplan.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. Also available on DVD and VHS. Available from: Mendocino County RCD, 405 Orchard Ave., Ukiah, CA 95482. (707) 468-9223. www.mcrd.org/publications

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.nrcs.usda.gov/technical/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

Searchable database and available as a document for download on the following website:

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

California Watershed Portal

State of California

<http://cwp.resources.ca.gov>

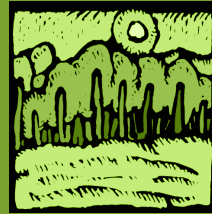
Useful out-of-state documents:

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.calwater.ca.gov/calfed/library/Archive_ROD.html



SECTION

7

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 website:
<http://www.oregon.gov/OWEB/docs/pubs/permitguide.pdf>

Websites - Permit assistance

CAL-GOLD Permit Assistance
<http://www.calgold.ca.gov/>

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

California Watershed Funding Database
<http://www.calwatershedfunds.org>

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_opportunities/funding_swr.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/programs>

Federal Grants

www.grants.gov

Sierra Nevada Conservancy

Conservation grants in the Sierra Nevada Region

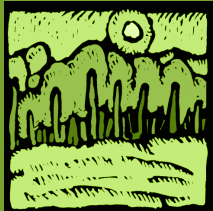
<http://sierravevadaconservancy.ca.gov/grants.html>

National Fish and Wildlife Foundation

www.nfwf.org



NOTICES



Section 8 • Analyze Your Project

Analyze your project by asking these questions below.

Does Your Project:

	City/County Planning Dept. & CEQA Review	City/County Environmental Health Department	Water / Irrigation Flood control District
<input type="checkbox"/> Involve bank stabilization or erosion control?	<input type="checkbox"/>		<input type="checkbox"/>
<input type="checkbox"/> Require the removal of trees or riparian vegetation?	<input type="checkbox"/>		
<input type="checkbox"/> Involve planting riparian vegetation?	<input type="checkbox"/>		<input type="checkbox"/>
<input type="checkbox"/> Affect native plants, wildlife or fisheries?	<input type="checkbox"/>		
<input type="checkbox"/> Result in stormwater discharge into the creek?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Divert or obstruct the natural flow; or change the natural bed or bank of the creek?	<input type="checkbox"/>		<input type="checkbox"/>
<input type="checkbox"/> Involve repair, rehabilitation or replacement of any structure or fill adjacent to creek?	<input type="checkbox"/>		
<input type="checkbox"/> Involve building any structure adjacent to the creek?	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Involve fish and wildlife enhancement, attraction or harvesting devices and activities?	<input type="checkbox"/>		
<input type="checkbox"/> Use materials from a streambed (including but not limited to boulders, rocks, gravel, sand and wood debris)?	<input type="checkbox"/>		<input type="checkbox"/>
<input type="checkbox"/> Require the disposal or deposition of debris, waste, or any material containing crumbled, flaked, or ground pavement with a possibility that such material could pass into the stream?	<input type="checkbox"/>		<input type="checkbox"/>
<input type="checkbox"/> Involve the removal of any materials from a stream or adds fill to the stream?	<input type="checkbox"/>		<input type="checkbox"/>
<input type="checkbox"/> Involve grading or fill near the creek?	<input type="checkbox"/>		<input type="checkbox"/>
<input type="checkbox"/> Involve a bridge or culvert?	<input type="checkbox"/>		
<input type="checkbox"/> Involve utility pipe lines?	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Involve a septic leach field near the creek?	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Require a water well near the creek?	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Involve work within historic or existing coastal wetlands?	<input type="checkbox"/>		
<input type="checkbox"/> Remove water from creek for storage or direct use on non-riparian land?	<input type="checkbox"/>		<input type="checkbox"/>
<input type="checkbox"/> Require that hazardous materials be generated and/or stored on site?	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Involve a land disturbance of five acres or more?	<input type="checkbox"/>		
<input type="checkbox"/> Involve a creek or stream with species listed as endangered or threatened?			
<input type="checkbox"/> -Action will most likely require regulatory compliance	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

-Action may require regulatory compliance

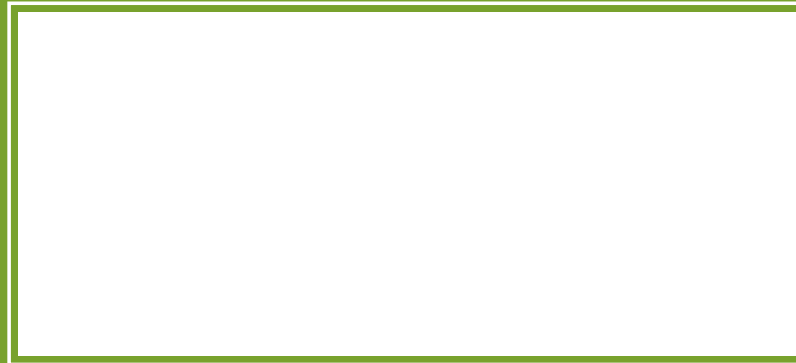
CARCD

801 K Street, Suite 1415

Sacramento, CA 95814

Phone (916) 457-7904 • Fax (916) 457-7934

Web: www.carcd.org



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