

# EMERGENCY PERMITTING GUIDANCE FOR FILL/EXCAVATION PROJECTS WITHIN WATERS OF THE STATE, IN RESPONSE TO CALIFORNIA WILDFIRES

(10/3/2022)

On August 17, 2020, a series of summertime thunderstorms triggered over 10,000 lightning strikes and igniting hundreds of wildfires across California. The wildfires have claimed numerous lives, destroyed hundreds of homes and structures, and scorched thousands of acres of land. More recent fires in our region and across the state have continued to impact our region's people and waters. These fires have followed significant fires in 2017 and 2019 in our region and will have lasting impacts on the communities and environment for years to come. The North Coast Regional Water Quality Control Board (North Coast Water Board) and its staff are committed to working closely with the affected community to recover from this catastrophe.

## **Quick Steps to get a Regional Water Board permit or authorization for work within streams, rivers and wetlands (Waters)**

1. **Contact the U.S. Army Corps of Engineers:** ([see U.S. Army Corps of Engineers contacts below](#)) to find out if you need authorization from them for the project. The project may be authorized as emergency maintenance and exempt from permitting; require an Emergency Permit (RGP-5, see below); or may require a different permit.
2. **Contact us at the North Coast Water Board:** ([see North Coast Water Board contacts below](#)). We will help you get the appropriate authorization, which in part depends on how the U.S. Army Corps of Engineers authorizes the project.

## **Project Types**

The North Coast Water Board regulates and issues permits for activities that may impact jurisdictional waters of the U.S. and the state. Emergency projects affecting jurisdictional waters may be necessary to repair, reduce, or prevent further impacts to property, infrastructure, or streams. Some examples are: replacement of road infrastructure and stream crossings including culverts and bridges, rebuilding houses/structures near streams or wetlands, erosion control, removal of debris, or creek-side replanting. Please contact the North Coast Water Board if you intend to conduct emergency repairs in areas that may be jurisdictional waters, including stream channels or banks, wetlands, and/or creek-side corridors.

## **Fire Locations**

Portions of past wildfires were located within the boundaries of the North Coast Water Board and/or the San Francisco Bay Regional Water Quality Control Board (San Francisco Water Board). Please determine which Regional Water Quality Control Board has jurisdiction over your project by finding the project location on the [Regional Board map](#). You may also call us and we can determine this for you.

## **North Coast Water Board Permitting Process for Fire Emergency Projects**

Project authorization from the North Coast Water Board depends, in part, on how the US Army Corps authorizes the project. Your first step is to contact the U.S. Army Corps of Engineers and obtain documentation of their permitting determination for your project.

1. If the U.S. Army Corps of Engineers determines that the project is federally exempt or is not within their jurisdiction, then contact us and the North Coast Water Board staff will determine an appropriate state level action, including a Waiver or a General WDR.
2. If the U.S. Army Corps of Engineers determines that the project requires Clean Water Act Section 404 authorization, then contact us and we will work with you to issue the companion state level Clean Water Act Section 401 authorization, or other authorization.
3. If the U.S. Army Corps of Engineers determines that the project qualifies for Regional General Permit 5 for Emergency Projects (RGP 5), then we will work with you to obtain the General 401 water quality certification for projects with RGP 5 coverage. You must notify the North Coast Regional Water Quality Control Board at least forty-eight (48) hours prior to initiating the emergency project. This notification must be followed within three (3) business days by submitting all of the information in the Emergency Notice of Intent form. ([link to Notice of Intent \(ca.gov\)](#))

**Application Forms should be emailed to [northcoast@waterboards.ca.gov](mailto:northcoast@waterboards.ca.gov)**

Or send hard copy by mail to our office:

NCRWQCB, ATTN 401 UNIT  
5550 Skylane Blvd., Suite A  
Santa Rosa CA 95403

## **Contact information:**

### **Army Corps of Engineers**

[CESPN-RG-Info@usace.army.mil](mailto:CESPN-RG-Info@usace.army.mil) or call (415) 503-6795

### **North Coast Water Board**

Gil Falcone, Southern 401 Permit Program Manager, (707) 576-2830, [Gil.Falcone@waterboards.ca.gov](mailto:Gil.Falcone@waterboards.ca.gov)  
Ryan Bey, Northern 401 Permit Program Manager, (707) 576-2679, [Ryan.Bey@waterboards.ca.gov](mailto:Ryan.Bey@waterboards.ca.gov)

### **California Department of Fish and Wildlife**

[CDFW Regions \(ca.gov\)](#)

## **Resources**

California Department of Fish and Wildlife CDFW General Culvert Bridge Crossing Stabilization Document:  
[https://www.waterboards.ca.gov/northcoast/water\\_issues/programs/water\\_quality\\_certification/pdf/CDFW\\_General\\_Culvert\\_Bridge\\_Crossing\\_Stabilization\\_Document.pdf](https://www.waterboards.ca.gov/northcoast/water_issues/programs/water_quality_certification/pdf/CDFW_General_Culvert_Bridge_Crossing_Stabilization_Document.pdf)

California Salmonid Stream Habitat Restoration Manual Table XI-1: Native Plants for Revegetation:  
<http://www.dfg.ca.gov/fish/Resources/HabitatManual.asp>

Weaver and Hagans Guide to Forest and Ranch Roads:  
<http://www.pacificwatershed.com/sites/default/files/RoadsEnglishBOOKApril2015b.pdf>

## **FAQ**

### **How much will a water quality permit cost?**

Per the current fee schedule ([401 Fee Calculator](#)) look for the application fee for emergency projects.

### **How long will it take to get emergency authorization from the North Coast Water Board?**

We have made issuance of authorizations for fire related projects a priority. We will review project information in the order received, and prioritize authorization. We anticipate being able to issue authorizations from nearly immediately to several weeks.

**How do I determine the latitude and longitude of my property?**

The [Caltrans Water Quality Planning Tool](#) can help identify the latitude and longitude of you property as well as other useful watershed information.

**What are bioengineering streambank protection techniques?**

Bioengineering streambank protection techniques involve using living woody and plant materials with other natural materials to increase the strength and structure of the stream bank. Examples include live willow sprigging and pole planting, and natural erosion-control fabrics with native plantings. Please see the references provided below for additional information on bioengineering techniques and materials.

**Are any activities or materials prohibited?**

Projects are reviewed on a case-by-case basis. Typically, projects that are placing new bank stabilization materials where none existed prior to the fires, *bioengineering techniques* are more readily approved than projects that propose only rip-rap. Other permanent bank-hardening techniques such as gabion baskets, concrete, sacrete, or gunite, are generally not allowed.