

# **Final Appendix C**

## **Existing Programmatic Permits and Processes for Restoration Activities**



CONSOLIDATED FINAL RESTORATION PROJECTS STATEWIDE ORDER PROGRAM ENVIRONMENTAL IMPACT REPORT  
 APPENDIX C – EXISTING PROGRAMMATIC PERMITS AND PROCESSES FOR RESTORATION ACTIVITIES

**Table C-1**  
**Existing Programmatic Permits and Authorizations for Restoration Activities**

Agency/ Authority	Permit/Approval	Project Size Limits	Activities Covered	Location	Benefits/Details
U.S. Army Corps of Engineers	Clean Water Act Section 404 2017 Nationwide Permits 27, 33, 53, and 541	NWP 13: 500 cumulative linear feet of streambank or coastline (unless waived) NWP 27, 33, and 53: No size limits NWP 54: 500 linear feet of bank, 30 feet channelward of mean low water in tidal waters	NWP 13: Bank stabilization NWP 27: Aquatic habitat restoration NWP 33: Temporary construction access and dewatering NWP 53: Removal of low-head dams NWP 54: Living shorelines	Statewide	<ul style="list-style-type: none"> <li>Efficient way to acquire CWA Section 404 and Rivers and Harbors Act Section 10 permits</li> </ul>
	Los Angeles District Regional General Permits 41 and 70	No size limits	RGP 41: Invasive plant removal (expires September 4, 2024) RGP 70: Bioengineered streambank stabilization (expires January 22, 2019)	USACE Los Angeles District	<ul style="list-style-type: none"> <li>Faster approval than NWPs</li> <li>Efficient way to acquire CWA Section 404 and Rivers and Harbors Act Section 10 permits</li> </ul>

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<b>State Water Resources Control Board</b>	CWA Section 401 water quality certification for small habitat restoration projects	≤ 5 acres and 500 cumulative linear feet of stream segment or coastline (length subject to change with updates)	Aquatic and riparian habitat restoration and water quality improvement projects	Statewide	<ul style="list-style-type: none"> <li>• Faster, simpler process than standard Section 401 water quality certification; coordinated with CDFW's HRE (see below)</li> <li>• Must be eligible for CEQA categorical exemption (State CEQA Guidelines Section 15333), although other CEQA compliance methods can be used</li> </ul>
<b>California Department of Fish and Wildlife</b>	Habitat Restoration and Enhancement Act	Currently ≤ 5 acres and 500 cumulative linear feet of stream segment or coastline (linked to State Water Board CWA Section 401 permit; see above)	Aquatic habitat restoration and water quality improvement projects	Statewide	<ul style="list-style-type: none"> <li>• Fast and simple process: 30-day approval with State Water Board CWA Section 401, otherwise 60 days</li> <li>• Covers California Endangered Species Act and Fish and Game Code Section 1600 Lake and Streambed Alteration</li> </ul>

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<b>U.S. Fish and Wildlife Service</b>	Programmatic biological opinions for listed species and limited geographic regions	Generally align with USACE NWP	Activities conducted under USACE NWP are typically covered	Regions throughout the state	<ul style="list-style-type: none"> <li>• Saves substantial time/resources because individual BO not needed</li> <li>• Programmatic BOs available for: California red-legged frog (not including western San Mateo County), Central California tiger salamander, East Alameda County Conservation Strategy; Suisun Marsh Habitat Restoration Plan, Upper Sacramento River Habitat Restoration; giant garter snake for the Central Valley, Natural Resources Conservation Service’s Conservation Practices in Alameda County, Santa Rosa Plain, Vernal Pool Crustaceans in USACE Sacramento Field Office jurisdiction</li> </ul>

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<b>National Marine Fisheries Service</b>	Biological opinions for the North Coast, Central Coast, and Central Valley	Small to large projects limited to ≤ 1,000 feet of dewatering	Salmonid habitat and related upland restoration	Oregon border to San Luis Obispo County; Delta; San Joaquin and Sacramento Valleys	<ul style="list-style-type: none"> <li>• Faster/lower cost process: Individual BO not needed</li> <li>• Requires USACE permit or NOAA RC funding or technical assistance</li> </ul>
	Biological Opinion for the South Coast	Small to large projects limited to ≤ 500 feet of dewatering	Salmonid habitat and related upland restoration	San Luis Obispo County to San Diego County	<ul style="list-style-type: none"> <li>• Faster/lower cost process: individual Biological Opinion not needed</li> <li>• Requires USACE Permit or NOAA RC funding or technical assistance</li> </ul>
	Endangered Species Act Section 7(a)(2) Concurrence Letter and Essential Fish Habitat Consultation: 2018 Not Likely to Adversely Affect Determination	Construction of overwater structures limited to 1,500 square feet of overwater surface area; pipeline repair or replacement restricted to no more than 300 feet of streambed or banks disturbance	Bridge removal; culvert repair, replacement, upgrades, or removal; pipeline repair or replacement; geotechnical boring in support of project designs; and aids to navigation in bays, estuaries, and river mouths	USACE San Francisco and Sacramento Districts	<ul style="list-style-type: none"> <li>• Not Likely to Adversely Affect determination for 21 listed species, distinct population segments, or evolutionarily significant units (covered species) or their designated critical habitat</li> <li>• Faster/lower cost process: individual BO not needed</li> <li>• Requires USACE permit (NWP, other forms of general permits, or individual permits)</li> <li>• USACE determined minimal or minor adverse effects to EFH</li> </ul>

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<b>California Coastal Commission</b>	Federal consistency determination	Small to large	Salmonid habitat and related upland restoration; estuarine and coastal restoration	Entire California Coastal Zone	<ul style="list-style-type: none"> <li>• Faster, no-cost alternative to obtaining a coastal development permit or individual project consistency determination</li> <li>• Can be used with NMFS programmatic BOs; requires NOAA RC funding or technical assistance</li> <li>• North and Central Coast</li> <li>• South Coast</li> </ul>
<b>Resource Conservation District Partners in Restoration Programs</b>	A variety of permits available (e.g., State Water Board, USFWS, NMFS BOs)	Generally ≤ 5 acres	Fish, plant, and wildlife habitat restoration and water quality improvement projects	Mendocino, Marin, San Luis Obispo, Cachuma, Yolo, and Alameda RCDs	<ul style="list-style-type: none"> <li>• Consolidated permitting program managed by RCDs</li> </ul>

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<b>San Francisco Bay Conservation and Development Commission</b>	Abbreviated Regionwide Permit No. 1; Regionwide Permit No. 3; Regionwide Permit No. 5		<i>Abbreviated Regionwide Permit No. 1:</i> Removal of utilities, boat docks, pilings, and structures <i>Regionwide Permit No. 3:</i> Construction, reconstruction, replacement and maintenance of wildlife habitat improvement structures; and other structures <i>Regionwide Permit No. 5:</i> Removal of multi-family residential and nonresidential structures and paved areas	San Francisco Bay, certain waterways, managed wetlands, and shoreline band	<ul style="list-style-type: none"> <li>• Work that qualifies for approval under an existing regionwide or abbreviated regionwide permit can be authorized in a very short period of time by BCDC's Executive Director without BCDC review or a public hearing.</li> </ul>

SOURCE: Data compiled by Environmental Science Associates in 2019

<sup>1</sup> CWA Section 404 Nationwide permits expire every 5 years, so the permit numbers and coverage are subject to change during the nationwide permit program renewal process.

NOTES: BCDC = San Francisco Bay Conservation and Development Commission; BO = biological opinion; CWA = Clean Water Act; Delta = Sacramento–San Joaquin Delta; EFH = Essential Fish Habitat; HRE = Habitat Restoration and Enhancement; NMFS = National Marine Fisheries Service; NOAA RC = National Oceanic and Atmospheric Administration Fisheries Restoration Center; NWP = nationwide permit; RCD = resource conservation district; RGP = regional general permit; USACE = U.S. Army Corps of Engineers; USFWS = U.S. Fish and Wildlife Service