

Draft 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 54 ¹	<i>NWP 13</i> : 500 cumulative linear feet of streambank or coastline (unless waived) <i>NWPs 27, 33, and 53</i> : No size limits <i>NWP 54</i> : 500 linear feet of bank, 30 feet channelward of mean low water in tidal waters	<i>NWP 13</i> : Bank stabilization <i>NWP 27</i> : Aquatic habitat restoration <i>NWP 33</i> : Temporary construction access and dewatering <i>NWP 53</i> : Removal of low-head dams <i>NWP 54</i> : Living shorelines	Statewide	<ul style="list-style-type: none"> • Efficient way to acquire CWA Section 404 and Rivers and Harbors Act Section 10 permits
	Los Angeles District Regional General Permits 41 and 70	No size limits	<i>RGP 41</i> : Invasive plant removal (expires September 4, 2024) <i>RGP 70</i> : Bioengineered streambank stabilization (expires January 22, 2019)	USACE Los Angeles District	<ul style="list-style-type: none"> • Faster approval than NWPs • Efficient way to acquire CWA Section 404 and Rivers and Harbors Act Section 10 permits
State Water Resources Control Board	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"> • Faster, simpler process than standard Section 401 water quality certification; coordinated with CDFW's HRE (see below) • Must be eligible for CEQA categorical exemption (State CEQA Guidelines Section 15333), although other CEQA compliance methods can be used
California Department of Fish and Wildlife	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"> • Fast and simple process: 30-day approval with State Water Board CWA Section 401, otherwise 60 days • Covers California Endangered Species Act and Fish and Game Code Section 1600 Lake and Streambed Alteration

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U.S. Fish and Wildlife Service	Programmatic biological opinions for listed species and limited geographic regions	Generally align with USACE NWP's	Activities conducted under USACE NWP's are typically covered	Regions throughout the state	<ul style="list-style-type: none"> • Saves substantial time/resources because individual BO not needed • 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
National Marine Fisheries Service	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"> • Faster/lower cost process: Individual BO not needed • Requires USACE permit or NOAA RC funding or technical assistance
	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"> • Faster/lower cost process: individual Biological Opinion not needed • Requires USACE Permit or NOAA RC funding or technical assistance
	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"> • Not Likely to Adversely Affect determination for 21 listed species, distinct population segments, or evolutionarily significant units (covered species) or their designated critical habitat • Faster/lower cost process: individual BO not needed • Requires USACE permit (NWP's, other forms of general permits, or individual permits) • USACE determined minimal or minor adverse effects to EFH

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California Coastal Commission	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"> • Faster, no-cost alternative to obtaining a coastal development permit or individual project consistency determination • Can be used with NMFS programmatic BOs; requires NOAA RC funding or technical assistance • North and Central Coast • South Coast
Resource Conservation District Partners in Restoration Programs	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"> • Consolidated permitting program managed by RCDs
San Francisco Bay Conservation and Development Commission	Abbreviated Regionwide Permit No. 1; Regionwide Permit No. 3; Regionwide Permit No. 5		<p><i>Abbreviated Regionwide Permit No. 1:</i> Removal of utilities, boat docks, pilings, and structures</p> <p><i>Regionwide Permit No. 3:</i> Construction, reconstruction, replacement and maintenance of wildlife habitat improvement structures; and other structures</p> <p><i>Regionwide Permit No. 5:</i> Removal of multi-family residential and nonresidential structures and paved areas</p>	San Francisco Bay, certain waterways, managed wetlands, and shoreline band	<ul style="list-style-type: none"> • 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.

Source: Data compiled by Environmental Science Associates in 2019

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

¹CWA 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.