

ROADMAP FOR RESTORATION – SACRAMENTO VALLEY PERMIT SUMMARY TABLE

Agency/Authority	What the Law is and When it is Required	Permit Pathway/ Approval	When to Consider Using this Pathway	ELIGIBILITY: Project Size Limits	ELIGIBILITY: Activities Covered	Application Process (Action Needed to Comply/Apply)	Benefits/Details
<p>California Environmental Quality Act (CEQA)</p> <p>The California Environmental Quality Act (CEQA) generally requires state and local government agencies to inform decision makers and the public about the potential environmental impacts of proposed projects and to reduce those environmental impacts to the extent feasible.</p>	<p>A public agency must comply with CEQA when it undertakes an activity defined by CEQA as a “project.”</p> <p>A project is an activity undertaken by a California public agency or a private activity which must receive some discretionary approval from a government agency (meaning that the agency has the authority to deny the requested permit or approval, as distinguished from ministerial projects— which are those where the public agency or body has to determine only whether a project conforms with applicable statutes, ordinances or regulations) which may cause either a direct physical change in the environment or a reasonably foreseeable indirect change in the environment.</p> <p>Local agencies (e.g., Open Space Authorities, Water Districts, Resource Conservation Districts, etc.) may need to comply with CEQA when accepting funding or accepting responsibility for implementing a project.</p>	<p>Categorical Exemption 15333 - Small Habitat Restoration Projects, 15304 – Minor Alterations to Land, or another Categorical Exemption.</p>	<p>Public agency action on a “project” (e.g. issuing a permit, funding, implementing a project) that qualifies for CEQA categorical exemption 15333, 15304, or another Categorical Exemption (see CEQA Guidelines §§ 15300-15333)</p>	<ul style="list-style-type: none"> ≤ 5 acres for Sec. 15333 (includes total area of temporary and permanent disturbance). No acreage limit for Sec. 15304. 	<ul style="list-style-type: none"> Fish, plant, and wildlife habitat restoration. Minor alterations to land, water, and/or vegetation. 	<p>The CEQA Lead Agency (see Section 15367) may file the Notice of Exemption. Local agencies filing NOEs with the local county clerk of the county where the project will be located must also file the NOE with the Office of Planning and Research (OPR).</p>	<ul style="list-style-type: none"> A faster/lower cost alternative to preparing a CEQA document (e.g., Initial Study/Negative Declaration). Per Sec. Crowfoot's 1/7/21 memo, the presence of endangered, rare, or threatened species, or the use of mechanized equipment, respectively, does not preclude the use of CatEx 15333 per se. The 5 acre limit includes all areas directly disturbed, such as work areas, access routes, staging areas (wetlands and uplands), and temporary as well as permanent disturbance. Do not include areas with potential indirect disturbance when calculating project size. Consider conducting a California Historical Resources Information System (CHRIS) search to demonstrate that your project would not result in significant adverse impacts on a historical resource.
		<p>CEQA Program EIR for the State Water Resources Control Board Statewide Restoration General Order (SRGO PEIR)</p>	<p>Public agency action on a “project” (e.g. issuing a permit, funding, implementing a project) whose impacts have been analyzed under the SRGO PEIR.</p> <p>Actions or supplemental analyses such as completing a memo to file/ findings, addendum, or supplemental EIR could be performed.</p>	<p>For projects exceeding size limits for Categorical Exemption 15333 - Small Habitat Restoration Projects (see above).</p>	<p>Aquatic and riparian habitat restoration and related water quality improvement projects; may include multiple benefits if the overall project meets the definition of a restoration project in the General Order.</p>	<ul style="list-style-type: none"> See Figure ES-2 CEQA Process Flow Chart for a summary of how the SRGO PEIR can be used. Utilize the analyses completed and, if needed, only do supplemental analysis for impacts not covered by the SRGO PEIR. Actions or supplemental analyses such as completing a memo to file/findings, addendum, or supplemental EIR could be performed. CEQA Lead Agency files a Notice of Determination (NOD) with clerk of the county and OPR. 	<ul style="list-style-type: none"> Reduced effort for CEQA compliance for projects within its scope The SRGO PEIR could be used to satisfy the CEQA requirement of other CEQA lead agencies (in addition to the Water Board) if the project meets the definition of a restoration project and all other applicable assumptions in the SRGO PEIR. See Appendix J: Mitigation Monitoring and Reporting Program, for the mitigation measures summarized in Table 1-1 by resource. Mitigation measures for Cultural Resources (CUL-1 through CUL-4) start on page J-10 and mitigation measures for Tribal Cultural Resources (TRC-1 and TRC-2) start on page J-35). The full text of the impact analysis and mitigation measures are in Chapter 3 of the Consolidated Final PEIR.
		<p>Statutory Exemption for Restoration Projects (SERP)</p> <p>Administered by California Department of Fish & Wildlife (CDFW)</p>	<p>Public agency action on a “project” (e.g. issuing a permit, funding, implementing a project) that qualifies for the SERP.</p>	<p>No size limits</p>	<p>Projects that exclusively conserve, restore, protect, or enhance, and assist in the recovery of fish and wildlife, and habitat upon which they depend or that restore or provide habitat for fish and wildlife.</p>	<p>To request a SERP consultation, and/or discuss whether SERP or SRGO PEIR is the best pathway for your project, email: restorationpermitting@wildlife.ca.gov.</p> <p>See the SERP Process flow chart for more details.</p> <p>A CEQA Lead Agency shall file an NOE with OPR within 48 hours of approval (e.g. issuing a permit, funding project implementation, or deciding to undertake a project).</p>	<ul style="list-style-type: none"> Faster/lower cost alternative to preparing a CEQA document, for projects that don't qualify for a categorical exemption (see above). CEQA Lead Agency must first determine independently that SERP qualifying criteria apply then seek concurrence from the CDFW Director. CDFW encourages and supports lead agency efforts to meet and confer with local advocacy groups, neighbors, affected public agencies, elected officials, and California Tribes prior to submitting a SERP request to CDFW. The SERP will expire on January 1, 2030, unless the sunset date is extended or removed by the legislature.

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<p>California Environmental Quality Act (CEQA) cont.</p>	<p>CEQA generally requires state and local government agencies to inform decision makers and the public about the potential environmental impacts of proposed projects and to reduce those environmental impacts to the extent feasible.</p>	<p>Individual project CEQA action</p>	<p>Public agency action on a “project” where the pathways above or another PEIR do not apply.</p>	<p>No size limits</p>	<p>Any activity</p>	<p>Lead agency prepares an Initial Study (IS) to determine whether the project might result in significant environmental effects; prepare a negative declaration (ND), mitigated negative declaration (MND), or EIR, depending on the initial study. See CEQA 101 for more information.</p>	<ul style="list-style-type: none"> • Can require a public process. • Longer timelines compared to using a programmatic CEQA document. • Tribal consultation is required per AB-52. Involving Tribes early in the project design process, before consultation through AB-52, is recommended and can benefit project outcomes.
<p>State Water Resources Control Board (State Water Board) and Regional Water Quality Control Boards (Regional Water Boards)</p> <p>The State Water Board and the nine Regional Water Boards, collectively known as the California Water Boards (Water Boards) protect water quality and allocate surface water rights in California.</p>	<p>The Water Quality Certification Program is responsible for regulating discharges of dredged or fill material to waters of the State. The Water Boards have the authority to regulate these discharges under section 401 of the Clean Water Act (CWA) (i.e., Water Quality Certification) and the Porter-Cologne Water Quality Control Act (i.e., Waste Discharge Requirements (WDRs)).</p> <p>If the Army Corps issues a CWA 404 permit, Water Quality Certification from the State or a Regional Water Board is required.</p> <p>Example activities: discharge of dredge or fill material in areas considered “federal” waters (e.g., gravel augmentation, large wood projects, floodplain restoration)</p> <p>The Central Valley Regional Water Quality Control Board (Region 5) covers the Sacramento Valley. See the map of all nine Regional Water Boards here.</p>	<p>Order for Small Habitat Restoration Projects</p> <p>Statewide Restoration General Order (SRGO)</p>	<p>For qualifying small habitat restoration projects that require Water Quality Certification, with a construction period not to exceed 5 years. Must be eligible for CEQA categorical exemption 15333 (see above).</p> <p>For larger projects that impact either Waters of the State (WOTS) or Waters of the U.S. (WOTUS). Example activities: any restoration projects that disturb riparian, estuarine, wetland, meadow, aquatic habitats.</p>	<p>≤ 5 acres and 500 cumulative linear feet of disturbance to stream segment or coastline (includes total area of temporary and permanent direct disturbance including upland and wetland areas).</p> <p>For eligible projects exceeding size limits for the Order for Small Habitat Restoration Projects (see above)</p>	<p>Aquatic and riparian habitat restoration and related water quality improvement projects with the primary purpose of habitat restoration. The Order cannot be used for compensatory mitigation projects.</p> <p>Aquatic and riparian habitat restoration and related water quality improvement projects; may include multiple benefits if the overall project meets the definition of a restoration project in the SRGO. See Attachment A for eligibility and project type descriptions.</p>	<ul style="list-style-type: none"> • Submit a Notice of Intent (NOI) to the Regional Water Board where the project will take place (and to the State Water Board if in more than one region). • The State or Regional Water Board, may at its discretion, issue a Notice of Applicability (NOA), indicating that the project activities are authorized under this Order. • Clearly describe that the activities being proposed as part of their project are truly restoration and would qualify as a restoration project per the definition in Categorical Exemption 15333. • Consult the approving Water Board and comply with the administrative process [See Figure A-1, p. A-2]. • Request a pre-application meeting as soon as the project concept is developed, or at least 30 days prior to submitting the Notice of Intent (NOI). • In Step 5 of the process, submit the NOI and application fee to the approving Water Board. • Email your Regional Water Board contact and copy the State Water Board and your Army Corps permitting contact when submitting your NOI for noticing and informational purposes. 	<ul style="list-style-type: none"> • Faster/simpler process compared to standard individual Water Quality Certification; coordinated with CDFW’s HREA authorization (see below). • If your project is located in Waters of the U.S. (WOTUS)f, inform the Water Board how you will be engaging with the Corps and what Corps permit, if any, you will be using, as well as your timeline for project completion. • If your project is located in Waters of the State (WOTS) only (i.e., falls outside waters of WOTUS), a permit from the Water Board is still required. Contact the State or Regional Water Board for the most appropriate permitting pathway for your project. • Faster/more efficient process compared to standard individual Water Quality Certification/WDRs. • Can be used for projects located in WOTS only, in addition to being used for projects in WOTUS. • General Protection Measures are generally aligned with USFWS and NMFS Restoration Programmatic Biological Opinions (see below). • The SRGO can be used with the SRGO PEIR for CEQA compliance, or with a different CEQA compliance pathway. • Protection measures were coordinated with USFWS, NMFS, and CDFW for consistency with their restoration permitting efforts.

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State Water Board and Regional Water Boards cont.	See Water Quality Certification and WDR section above.	Individual project Water Quality Certification or Waste Discharge Requirements	For larger projects that impact either “state” or “federal” waters and do not qualify for the SRGO (See SRGO Exclusions and Prohibited Activities).	No size limits	Any activity can be proposed. Activities can be denied a permit, when warranted.	Request a pre-application meeting as soon as the project concept is developed. Submit an “application: discharges of dredged or fill material to waters of the state” to the approving Water Board (e.g., Sacramento Valley, Region 5).	<ul style="list-style-type: none"> Lengthier process than obtaining coverage under the SRGO. Less standardized process than using the SRGO and associated general protection measures. Water Board staff must prepare a generally lengthier individual permit, instead of an NOA for enrollment under the SRGO.
	The federal Clean Water Act requires discharges of construction stormwater to Waters of the U.S. to be regulated by a National Pollutant Discharge Elimination System (NPDES) permit.	402 NPDES Construction Stormwater General Permit	For projects that impact 1 or more acres of lands outside of impacts covered by the Water Quality Certification.	No size limit	Activities subject to this permit include but are not limited to clearing, grading, excavation, stockpiling, and demolition activities that expose or disturb soil.	Prepare and submit an application to be covered under the Construction Stormwater General Permit.	<ul style="list-style-type: none"> Requires development of a site-specific plan that details how construction activities will not result in discharges to Waters of the State (e.g., erosion control best management practices, dewatering plan. Only include impact areas outside Waters of the State. Projects that directly disturb less than 1 acre of area outside of Waters of the State do not need 402 NPDES construction stormwater permit coverage.
California Department of Fish and Wildlife (CDFW) The mission of the California Department of Fish and Wildlife (CDFW) is to manage California’s diverse fish, wildlife, and plant resources, and the habitats upon which they depend, for their ecological values and for their use and enjoyment by the public. CDFW’s Environmental Review and Permitting Programs implement sections of the California Fish and Game Code (FGC), California Code of Regulations (CCR), and other statutes and regulations.	Projects approved by CDFW, pursuant to the Habitat Restoration and Enhancement Act (HREA) will not require additional permits from CDFW, such as Lake and Streambed Alteration Agreement (LSAA) or California Endangered Species Act (CESA) permit.	Habitat Restoration and Enhancement Act (HREA)	For small-scale, voluntary aquatic habitat restoration projects. Can be especially helpful for those qualifying projects that would otherwise need both an LSAA and CESA permit from CDFW.	≤ 5 acres and 500 cumulative linear feet of stream segment or coastline (includes total area of temporary and permanent direct disturbance including upland and wetland areas).	Projects must be voluntary projects with the primary purpose of improving fish and wildlife habitat. Must meet eligibility requirements for the Water Board Order for Small Habitat Restoration Projects (see above).	It is highly recommended that you contact your CDFW Regional staff for pre-consultation and include the Regional Water Board to discuss usage of their Order for Small Habitat Restoration Projects (see details above). HREA Request Forms are on CDFW’s HREA webpage . Electronic copies of completed HREA Request Forms may be submitted to CDFW through the EPIMS Document Repository . Completed paper HREA Request Forms must be mailed to the local CDFW Regional Office .	<ul style="list-style-type: none"> Faster/simpler process with one single approval from CDFW, in lieu of LSAA and CESA incidental take permit – approval in up to 30 days with the Water Board Order for Small Habitat Restoration Projects Notice of Applicability (NOA), otherwise up to 60 days. May not be the most efficient pathway if you do not need CESA coverage. Discuss your project with CDFW staff before applying. HREA fees follow the Lake and Streambed Alteration Fee Schedule. HREA Guidance Document, Training Videos for Applicants
	FGC Section 1602 requires any person, state, or local government agency, or public utility to notify CDFW prior to beginning any activity that may substantially divert or obstruct the natural flow of, or substantially change or use any material from the bed, channel, or bank of any river, stream, or lake.	1600 Lake and Streambed Alteration (LSA)	For projects that do not qualify for the above-mentioned pathways. If CDFW determines that the activity may substantially adversely affect fish and wildlife resources, a Lake or Streambed Alteration Agreement will be prepared.	No size limit	Any activity	<ul style="list-style-type: none"> Submit notification of LSA. Notifications for Standard Agreements must use the EPIMS Permitting Portal. For project and site specific LSA questions, contact the CDFW Region where the project is located. See the LSA fee schedule. 	<ul style="list-style-type: none"> An LSA Agreement typically has longer timelines as compared to using the processes listed above. Note that “any river, stream, or lake” includes those that are dry for periods of time as well as those that flow year-round. If you are not certain a particular activity requires notification, CDFW recommends you notify.

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<p>California Department of Fish and Wildlife (CDFW) cont.</p> <p>The California Endangered Species Act (CESA) is a California environmental law that conserves and protects plant and animal species at risk of extinction.</p> <p>A CESA-listed species, or any part or product of the plant or animal, may not be imported into the state, exported out of the state, “taken” (i.e., killed), possessed, purchased, or sold without proper authorization.</p>	<p>FGC section 2080.1 allows an applicant who has obtained a federal incidental take statement or incidental take permit to request that the Director of CDFW find the federally authorized take consistent with CESA. If CDFW issues a consistency determination (CD), no further authorization or approval is necessary under CESA.</p>	<p>Restoration Consistency Determination (Restoration CD)</p>	<p>When a habitat restoration project needs “incidental take” permit coverage for species that are both state and federally listed, and none of those species are state fully protected species (FPS).</p>	<p>No size limit</p>	<p>Habitat restoration projects</p>	<p>Pre-consultation is crucial! Contact the Cutting the Green Tape team to discuss your project before submitting your application for federal take coverage.</p> <p>Treat the process almost like a joint consultation and keep your CDFW staff person in the loop as you apply for federal take authorization.</p> <p>Restoration CDs can also work with some existing NMFS or USFWS PBOs (e.g., Central Valley NMFS PBO, USFWS Statewide Restoration PBO)</p>	<ul style="list-style-type: none"> For species listed under both CESA and federal ESA. Faster/simpler CESA coverage as compared to a CESA incidental take permit or Restoration Management Permit (RMP). No financial assurance or full mitigation requirements. Can work in conjunction with the USFWS and NMFS Restoration Programmatic Biological Opinion for the Central Valley (see below) and individual biological opinions. Exemption from CESA fees for voluntary habitat restoration projects.
	<p>The Restoration Management Permit (RMP) can authorize state-defined take (hunt, pursue, capture, catch, or kill, or attempt to do so) of endangered, threatened, and candidate species pursuant to the CESA as well as fully protected species (FPS) pursuant to Fish and Game Code sections 3511, 4700, 5050, and 5515.</p>	<p>Restoration Management Permit (RMP)</p>	<p>For voluntary habitat restoration projects over 5 acres that need authorization or state-defined take of endangered, threatened, and candidate species under CESA or fully protected species.</p>	<p>No size limit</p>	<p>Habitat restoration projects</p>	<p>There is no application form for the RMP. To discuss how the RMP can assist your restoration project, please contact the Cutting the Green Tape team.</p>	<ul style="list-style-type: none"> Consolidates take authorization for CESA-listed, candidate species, and fully protected species into a single permit with no application fee. No financial assurance or full mitigation requirements like those in FGC Section 2081.b. General and species protection measures for avoidance and minimization are aligned with other efficient permitting authorizations (e.g., SRGO, USFWS and NMFS PBOs) and may be incorporated by reference into an RMP.
	<p>Section 2081.b of the FGC allows CDFW to authorize take of species listed as endangered, threatened, or candidate pursuant to CESA, and Title 14, Section 786.9 of the CCR similarly allows CDFW to authorize take of plants listed as rare pursuant to the Native Plant Protection Act (NPPA), if that take is incidental to otherwise lawful activities and if certain conditions are met. These authorizations are commonly referred to as Incidental Take Permits (ITPs).</p>	<p>CESA Incidental Take Permit (ITP)</p>	<p>For projects that do not qualify for the above-mentioned pathways.</p>	<p>No size limits</p>	<p>Any activity</p>	<p>To initiate the ITP process, contact the appropriate CDFW Regional Office based on the location of the proposed project.</p> <p>A local Environmental Scientist will help guide the ITP application and will maintain contact throughout the ITP process.</p> <p>Voluntary restoration projects are not subject to CESA application fees.</p>	<ul style="list-style-type: none"> Typically longer timelines as compared to using the processes listed above. Requires financial assurances and mitigation to offset species impacts. These permits are most commonly issued for construction, utility, transportation, and other infrastructure-related projects. Permittees must implement species-specific minimization and avoidance measures, and fully mitigate the impacts of the project (Fish & G. Code § 2081 (b); Cal. Code Regs., tit. 14, §§ 783.2-783.8).

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<p>U.S. Fish and Wildlife Service (USFWS)</p> <p>The U.S. Fish and Wildlife Service (USFWS) implements the Endangered Species Act (ESA) and is responsible for most terrestrial and freshwater species but also has responsibility for several marine mammal species.</p> <p>Designated critical habitat or the presence of federally protected plant or animal species triggers ESA compliance needs and is often revealed in a biological survey as part of CEQA compliance.</p>	<p>Federal agencies consult with the USFWS to avoid jeopardizing the existence of listed species and/or their critical habitat, which would violate the ESA.</p>	<p>Informal Consultation - Letter of Concurrence</p>	<p>Project is not likely to adversely impact federally listed species under USFWS jurisdiction or their critical habitat.</p>	<p>No size limit</p>	<p>Any activity</p>	<p>Submit species surveys, habitat assessment or other relevant information to assist the Service in assessing potential project impacts.</p>	<ul style="list-style-type: none"> • Simpler process than obtaining a biological opinion. • Determine if this is the appropriate pathway in accordance with local agency staff based on site-specific conditions. • Consider adapting project design to avoid incidental take to use this process.
	<p>These consultations are conducted under Section 7 of the ESA. See the Section 7 Consultation Handbook for more.</p> <p>Non-federal parties, including individuals, cannot consult directly under Section 7.</p>	<p>Programmatic Informal Consultation for FRGP - Letter of Concurrence/</p>	<p>For projects that are awarded FRGP funding.</p>	<p>See FRGP program details</p>	<p>Projects that restore, enhance, or protect salmonid habitat in anadromous watersheds.</p>	<p>Apply for FRGP funding and work with your FRGP representative to determine appropriate permitting pathways.</p>	<ul style="list-style-type: none"> • Eligible applicants include state and local government agencies, public entities, Tribes, and nonprofits. • FRGP also provides the coverage for CEQA, Water Quality Certification/WDRs, and Army Corps 404 permitting.
	<p>However, there are many ways to make a “federal nexus” between a non-federal project and a federal agency. This allows non-federal parties to consult indirectly through that agency.</p> <p>A “federal nexus” usually comes in the form of requesting another federal permit (often a 404 permit from the Army Corps), or funding from a federal agency (e.g., USFWS Partners Program, NOAA Restoration Center).</p> <p>Note: other programmatic informal consultations or PBOs may exist for restoration projects in the Sacramento Valley.</p>	<p>USFWS Statewide Restoration Programmatic Biological Opinion (PBO)</p>	<p>For restoration projects (as defined in the PBO) with federally listed species or their critical habitat that may be adversely impacted by a project.</p> <p>Allows for late-arriving federal action agencies to use the PBO (e.g., National Parks Service, Bureau of Reclamation, etc.)</p>	<p>No size limit, but includes annual incidental take limits for each species.</p>	<p>Aquatic and riparian habitat restoration and related water quality improvement projects. See the detailed list of project types in Section 2.1.3 of the PBO.</p>	<p>Follow the administrative process as described in the PBO.</p> <p>Work with a federal Action Agency and/or your local USFWS Field Office, Coastal, Partners, Refuge, or Fisheries and Aquatic Conservation Program to apply using the ESA Section 7(a)(2) Review Form.</p> <p>After an ESA Section 7(a)(2) form is submitted to USFWS Ecological Services (ES) for approval the goal is that a Project Proponent will be notified about their project’s coverage under the PBO in 30 to 60 days (see also Figure 2: Administration Flow Chart in the PBO).</p>	<ul style="list-style-type: none"> • Simplified process: uses an ESA Section 7(a)(2) Review Form for coverage under an existing programmatic biological opinion, rather than preparation of an individual Biological Assessment/Biological Opinion (BA/BO). • Simplified post construction requirements. • Fastest approval can happen when USFWS is the lead federal action agency (e.g., when USFWS funds the project or when the project is on USFWS property). • Formal ESA consultation for 36 animals and 21 plants, and 36 critical habitats. • Also includes concurrence on the Not Likely to Adversely Affect (NLAA) determination for 11 species and 4 critical habitats.
		<p>Individual Section 7 Consultation</p>	<p>For projects that do not qualify to use the processes listed above.</p>	<p>No size limits</p>	<p>Any activity</p>	<p>Use the Consultation Package Builder (IPaC) to help build a biological assessment.</p>	<ul style="list-style-type: none"> • In addition to the time it takes to develop a biological assessment, the process to obtain a biological opinion from USFWS can take 135 days or more.
	<p>If you have a project that may adversely affect listed species, but no federal agency is involved in the process, you may need to develop a Habitat Conservation Plan, under Section 10 of the Endangered Species Act.</p>	<p>Habitat Conservation Plan (HCP) / ESA Section 10 Process</p>	<p>For projects that may adversely impact federally listed species that do not have a federal nexus.</p>	<p>No size limits</p>	<p>Any activity</p>	<p>Work with your local USFWS staffer to develop a habitat conservation plan.</p>	<ul style="list-style-type: none"> • Development and approval of an HCP can take several years and is typically more involved than the Section 7 process. • Low-impact HCPs may be an option for multiple projects without a federal nexus. This approach can be further discussed with your local USFWS staffer.

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National Marine Fisheries Service (NMFS) NMFS implements the Endangered Species Act by protecting endangered and threatened marine and anadromous species—from whales and seals to sharks, salmon, and corals.	Section 7 of the Endangered Species Act, when projects have a “federal nexus”. A “federal nexus” usually comes in the form of requesting another federal permit (often a 404 permit from the Army Corps), or funding from a federal agency (e.g., USFWS Partners Program , NOAA Restoration Center).	Informal consultation – Letter of Concurrence	For projects not likely to adversely affect federally listed species or under NMFS jurisdiction or their habitat.	No size limits	Any activity	Submit species surveys, habitat assessment or other relevant information to assist NMFS in assessing potential project impacts.	<ul style="list-style-type: none"> Simpler process than obtaining a biological opinion. Determine if this is the appropriate pathway in accordance with local agency staffer based on site-specific conditions.
		Central Valley NMFS Programmatic Biological Opinion (PBO)	For projects with federally listed species or their habitat that may be adversely affected by a project. See list of project types, prohibited activities, and sideboards in the PBO.	No size limits, but see limitations on dewatering length/timing.	Salmonid habitat and related upslope restoration that will result in a net increase in aquatic or riparian functions or services.	Contact the NOAA RC and follow the administrative process. See Section 1.3.3 of the PBO . More complex project types covered by the PBO will require a higher level of oversight (those with complex designs requiring engineering review) and review by NMFS regulatory agency staff and agency engineers.	<ul style="list-style-type: none"> Faster/lower cost process: individual Biological Assessment/Opinion not needed. Projects may include multiple benefits, such as flood management, groundwater recharge, recreation, or climate change adaptation, all covered projects must meet the criteria of a restoration project defined by the PBO and must remain consistent with NMFS’ Central Valley Salmon and Steelhead Recovery Plan.
		Individual Section 7 Consultation	For projects that do not qualify to use the processes listed above.	No size limits	Any Activity	Prepare a biological assessment using species surveys and habitat assessment data.	<ul style="list-style-type: none"> The process to obtain a biological opinion can take 135 days or more as compared to using a programmatic biological opinion, which allows for approval in 30 to 60 days.
		If you have a project that may adversely affect listed species, but no “federal nexus”, you may need to develop a Habitat Conservation Plan , under Section 10 of the Endangered Species Act.	Individual Section 10 Consultation	For projects that may adversely impact federally listed species and do not have a federal nexus.	No size limits	Any Activity	Prepare a habitat conservation plan using species surveys and habitat assessment data.
National Environmental Policy Act (NEPA) The National Environmental Policy Act (NEPA) requires federal agencies (e.g., Army Corps, USFWS, NMFS) to assess the environmental effects of their proposed actions prior to making decisions.	NEPA applies when a project is proposed on federal lands, is funded in whole or in part by federal money or will require authorization from a federal agency. If more than one federal agency is involved in a proposed action, a lead agency must be designated. In some cases, an efficient permitting pathway (e.g. Army Corps Regional General Permit or Nationwide Permit) includes NEPA compliance for that agency.	Categorical Exclusion or NEPA Document - Environmental Assessment or Environmental Impact Statement	If one or more of the following apply to the project: <ul style="list-style-type: none"> Requires a federal license or permit Receives any funding from a federal agency Is proposed on federal lands Requires passage across federal lands 	No size limits	Categorical Exclusions each cover a set of activities. A NEPA document for an individual project may include any activities.	Complete lead federal agency's categorical exclusion checklist form and prepare studies/documentation OR Prepare the necessary documentation to tier off an Environmental Assessment (EA) or Environmental Impact Statement (EIS) OR Prepare for coverage under an EA or EIS Joint NEPA/CEQA documents can be prepared. See the CEQA guidelines (Section 15221 - NEPA Document Ready Before CEQA Document) and the NEPA CEQA Handbook for more information.	<ul style="list-style-type: none"> NEPA is the responsibility of a federal agency. State or local agencies can provide information to assist the federal agency with NEPA compliance as needed. Federal agencies, together with state, Tribal or local agencies, may act as joint lead agencies. Consider whether the project could qualify for the categorical exclusion for restoration. Categorical exclusions are classes of actions that do not individually or cumulatively have a significant effect on the human environment. Actions that are categorically excluded do not require the preparation of an EA or EIS. Look to existing programmatic NEPA compliance documents (e.g., NOAA Restoration Center Programmatic EIS).

Notes: This table is provided for informational purposes and does not offer legal advice. Local permits (e.g., County grading permits, etc.) may need to be obtained for your project. Last updated 8/27/2024.

ROADMAP FOR RESTORATION – SACRAMENTO VALLEY PERMIT SUMMARY TABLE

Agency/Authority	What the Law is and When it is Required	Permit Pathway/ Approval	When to Consider Using this Pathway	ELIGIBILITY: Project Size Limits	ELIGIBILITY: Activities Covered	Application Process (Action Needed to Comply/Apply)	Benefits/Details
<p>U.S. Army Corps of Engineers (Army Corps)</p> <p>The Army Corps, through the Regulatory Program, administers and enforces Section 10 of the Rivers and Harbors Act of 1899 (RHA) and Section 404 of the Clean Water Act (CWA).</p>	<p>Under RHA Section 10, a permit is required for work or structures in, over or under navigable waters of the United States.</p> <p>Under CWA Section 404, a permit is required for the discharge of dredged or fill material into waters of the United States. Many waterbodies and wetlands in the nation are waters of the United States and are subject to the Corps' regulatory authority.</p>	<p>RGP 16 – Aquatic Habitat Restoration and Enhancement Activities</p>	<p>For aquatic and riparian restoration projects within Army Corps Sacramento District</p>	<p>No size limits</p>	<p>Aquatic habitat restoration and enhancement activities, including, but not limited to nature-based solutions, engineering with nature, and other project types included in the USFWS Statewide PBO (see above).</p>	<p>New requests for a pre-application meeting, jurisdictional determination, or permit should be submitted through the Regulatory Request System (RSS).</p> <p>Other requests will continue to be accepted in digital format through the Sacramento District regulatory mailbox (SPKRegulatoryMailbox@usace.army.mil)</p> <p>All Corps permit decisions are subject to various other Federal laws applicable to Federal actions, such as the Endangered Species Act, the National Historic Preservation Act, and the Magnuson-Stevens Fisheries Conservation and Management Act.</p>	<ul style="list-style-type: none"> Faster/simpler approval process than Nationwide and Individual Permits. Efficient way to acquire Section 10 RHA and CWA Section 404 permitting. Compensatory mitigation is not required since covered activities must be restoration or enhancement in nature, resulting in an overall net increase in aquatic resource functions and services. NEPA compliance has been completed for this permitting pathway. Wetland type conversion is allowed provided that the project results in an overall net increase in aquatic resource functions and services. See associated NMFS BO and USFWS Concurrence.
		<p>NWP 27 - Aquatic Habitat Restoration</p> <p>NWP 33 - Temporary Construction Access and Dewatering</p>	<p>If your project requires a 404 permit from the Army Corps and is eligible.</p> <p>More than one NWP can be used for a project.</p>	<p>No size limits</p>	<p>NWP 27 - Aquatic Habitat Restoration</p> <p>NWP 33 – temporary structures, work, and discharges, including cofferdams</p>	<p>All Corps permit decisions are subject to various other Federal laws applicable to Federal actions, such as the Endangered Species Act, the National Historic Preservation Act, and the Magnuson-Stevens Fisheries Conservation and Management Act.</p>	<ul style="list-style-type: none"> More efficient than obtaining individual Section 10 RHA, and individual Section 404 CWA permits. Read eligibility details, reporting requirements, and general conditions of NWP-27 before applying to use it. Explain in the project description how the project would result in a net increase to aquatic resource functions and/or services. NEPA compliance has been completed for these permitting pathways.
		<p>Individual Section 404 Permit</p>	<p>For activities that cannot be authorized under an RGP or NWP.</p>	<p>No size limits</p>	<p>Any activity</p>		<ul style="list-style-type: none"> Consists of Letters of Permission and Standard Permits. Can require a public process and alternatives analysis. Longer timelines than when using RGPs or NWPs.
	<p>Section 14 of the RHA of 1899, as amended and codified at 33 USC 408 (Section 408), authorizes the Army Corps to grant permission for the alteration or occupation or use of a Corps civil interest and will not impair the usefulness of the project.</p>	<p>Section 408 Categorical Permission for Environmental Restoration and/or Fish Screens</p>	<p>The proposed design, construction, or replacement must meet the alteration description in the categorical permission, have no disqualifying circumstances, and adhere to applicable standard engineering and environmental conditions.</p>	<p>≤ 500 acres and 5,000 cumulative linear feet of channel restoration for Environmental Restoration Categorical Permission.</p> <p>Area of construction for fish screen support facilities must not exceed 1 acre.</p>	<p>A variety of restoration activities including but not limited to planting of native vegetation, placement of spawning gravels, restoration and enhancement of ponds, stream channels, and wetlands.</p> <p>Fish Screens</p>	<p>Submit an application for Section 408 coverage and an encroachment permit to the Flood Board.</p> <p>See the Section 408 website for further details on how to apply. Also see the Section 408 process guide for further guidance.</p> <p>A Pre-application meeting with Army Corps Section 404 and 408 staff, along with Flood Board staff (if applicable, see below for more details) to discuss the project and what information will be needed to authorize the project is highly recommended.</p>	<ul style="list-style-type: none"> NEPA has been completed with a programmatic EA. Legal review has been completed. Any plantings on or near a levee must meet the standards outlined in ETL 1110-2-583. If applicable, submit any forms related to Endangered Species Act consultation along with your 404 application so the Corps can consult with USFWS/NMFS. Ensure any ESA and National Historic Preservation Act (NHPA) materials cover both the Section 404/10 and Section 408 actions to allow for one consultation process for the Army Corps. See the NMFS, USFWS and 106/SHPO sections for more information.

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Army Corps cont.		Section 408 Letter of Permission	For projects requiring a Section 408 Letter of Permission that are not eligible for a categorical permission.	No size limit	Any activity	See the Section 408 website for further details on how to apply. In addition, see the Section 408 process guide for further guidance.	<ul style="list-style-type: none"> Plan for multiple rounds of technical review. Reviews must go through real estate, sometimes legal, and engineering. Categorically excluded from NEPA.
Central Valley Flood Protection Board (Flood Board) The Flood Board issues encroachment permits and works with other agencies to improve flood protection structures, enforce removal of problematic encroachments, and keeps watch over the Central Valley’s continually improving flood management system.	Flood Board approval will be required for any proposed work that is located within a Board-Adopted Plan of Flood Control: <ul style="list-style-type: none"> between or in the vicinity of any Federal Project Levees; OR within 30-foot proximity of a non-leveed Regulated Stream listed in CCR, Title 23, Waters, Division 1, Article 8, Table 8.1; OR within a Designated Floodway that has been adopted by the Board; OR within a Sacramento San Joaquin Drainage District (SSJDD) Easement. 	Encroachment Permit	Flood Board approval may be required for every proposal or plan of work which may impact these areas listed to the left.	No size limits	Any activity	Not sure if your project needs a permit? Direct your questions to their Permitting team by phone to (916) 574-0609, e-mail at intake@cvflood.ca.gov . Prepare and submit an encroachment permit application. If the project will alter, occupy, or use an Army Corps Project (e.g., levee, waterway, channel), see the Section 408 Permissions Process above and submit supporting documentation for the Corps with the Flood Board encroachment permit application.	<ul style="list-style-type: none"> Using the Best Available Map (BAM) Viewer is the best way to identify these areas. Please also check your location for SSJDD Easements using the ArcGIS Online Map Viewer. If you are not sure if your project requires an encroachment permit from the Board, you can contact their Permitting team by phone at (916) 574-0609, e-mail at Questions@CVFlood.ca.gov. It is highly recommended to have a pre-application meeting with all of the agencies, including the engineers, before submitting the applications to help determine what design can work in the system. Timelines for review may vary widely depending on location and scope of work and may range anywhere between a few months for minor alterations, to well over a year for very large-scale projects.

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<p>State Lands Commission</p> <p>The State Lands Commission manages 4 million acres of tide and submerged lands and the beds of natural navigable waterways (rivers, streams, lakes, bays, estuaries, inlets, and straits).</p>	<p>If the project will use or construct any type of structure on, develop any resources on, or otherwise occupy any sovereign (e.g., tidelands or submerged land) or proprietary lands (e.g., school lands, swamp & overflowed lands) of the State of California. (See overview map), a lease from the State Lands Commission is likely necessary. Examples in the Sacramento Valley are projects that involve placing salmon spawning gravel or in-river shelter (woody debris attached to large boulders) to large rivers like the Sacramento River.</p>	<p>Land-Use Lease</p>	<p>If you are planning on using or constructing any type of structure on lands under the Commission’s jurisdiction, developing any resources or minerals located on, or otherwise occupying any lands under the Commission’s jurisdiction, a lease is likely necessary.</p>	<p>No size limits</p>	<p>Any activity</p>	<p>Call or email the State Lands Commission a brief project description and work area map and ask if a State Lands Commission lease or lease amendment is required.</p> <p>Apply for a permit/lease for use of State Lands through the Online System for Customer Applications and Records (OSCAR).</p> <p>To submit a paper application, download the Application for Use of State Lands or request a paper application by calling the office at (916) 574-1940.</p> <p>Applications are approved or denied at a State Lands Commission meeting.</p>	<ul style="list-style-type: none"> • See the State Lands Commission FAQ page. • Requires other permits to be in place before the lease can be issued. • Requires CEQA compliance. • Rent or other compensation may be required. • A lease from the State Lands Commission can be used to cover a multi-year program of restoration projects.
<p>Section 106 /State Historic Preservation Offices (SHPO)</p> <p>SHPOs, created by the National Historic Preservation Act (NHPA), exist in every state. In California, the SHPO is part of California State Parks. The SHPO is a mandatory consulting party in the Section 106 review process.</p>	<p>Section 106 of the National Historic Preservation Act of 1966, as amended, [16 USC 470, 36 CFR § 800], commonly known as Section 106, requires all federal agencies to take into account the effects of their undertakings on historic properties that are included in, or eligible for inclusion in, the National Register of Historic Places (NRHP) prior to the approval of the expenditure of any federal funds or to the issuance of any federal license or federal permit.</p>	<p>SHPO consultation</p>	<p>If the project involves a federal undertaking (e.g., obtaining a CWA 404 permit, 408 Permission, etc.).</p>	<p>No size limits</p>	<p>Any activity</p>	<p>Prepare an application for consultation with SHPO. The federal agency must decide early on how and when to involve the public. SHPO requires, as part of their findings review, documentation of consultation or attempts to consult with federally recognized Tribes and relevant interested parties.</p> <p>Typically, projects that will impact historic resources will be required to implement measures to document the historical resources on site (e.g., take photos of the historic features, conduct historical research and submit documentation of the feature to a local database/historical society, avoidance of Tribal/historic resources and hiring Tribal resource monitors).</p>	<ul style="list-style-type: none"> • Clearly define the area of potential effects (APE) and determine the level/type of resource assessment necessary for the project with the federal lead agency in collaboration with SHPO and the Tribes. • Early consultation with Tribes (informal by the applicant) benefits the process and project outcomes. • A pre-application meeting is highly recommended. • Ensure you have all the necessary, up-to-date information needed by SHPO in your initial application. • Refer to the consultation timelines in SHPO’s regulations and build these timelines into your project schedule. • Information should be gathered from the Native American Heritage Commission (NAHC) Sacred Lands Database and the California Historical Resources Information System (CHRIS) to support the application for consultation. • The Section 106 consultation also provides supporting information for a SERP concurrence (see above section on CDFW) or CEQA document preparation (see above section on CEQA).

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<p>Delta Stewardship Council</p> <p>The Delta Stewardship Council is the California State agency tasked with creating and implementing a comprehensive management plan for the Delta in support of the state's coequal goals of providing a reliable water supply for California and protecting, restoring, and enhancing the Delta's ecosystem while protecting the Delta's unique and evolving character.</p>	<p>The Sacramento-San Joaquin Delta Reform Act of 2009 (Delta Reform Act) established a certification process for demonstrating consistency with the Delta Plan.</p> <p>The Delta Reform Act requires any State or local agency proposing to undertake a qualifying action (covered action) must submit to the Council a written certification of consistency with detailed findings as to whether the covered action is consistent with the Delta Plan (Wat. Code, § 85225).</p>	<p>Certification of Consistency (with the Delta Plan)</p>	<p>If the project is in part, within the boundaries of the Delta or Suisun Marsh, state and local agencies use the Covered Actions Checklist to determine whether a plan, program, or a project is a "Covered Action" as defined in the Delta Reform Act.</p>	<p>No size limits</p>	<p>Covered Actions</p>	<p>See the Covered Actions Checklist and web page about Covered Actions for details.</p>	<ul style="list-style-type: none"> • Projects exempt from CEQA (e.g. Categorically Exempt under 15333) are not generally required to submit a Certification of Consistency. • Consulting with Delta Stewardship Council staff and engaging interested parties during the early development phases of the project is highly recommended. • Filing the Certification of the Consistency should occur after filing the CEQA Notice of Determination (NOD) and prior to project implementation. • When other permits are required for implementation, project proponents should consult with Council staff on appropriate timing for filing the Certification of Consistency.