

Sustainable Conservation's ESSENTIAL GUIDE for Accelerated Restoration Permitting

Agency/ Authority	Permit/ Approval	Project Size Limits	Activities Covered	Location	Benefits/ Details
California Environmental Quality Act (CEQA)	Categorical Exemption 15333* - Small Habitat Restoration Projects , 15304 – Minor Alterations to Land , and others	<ul style="list-style-type: none"> ≤ 5 acres for Sec. 15333 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 	Statewide	<ul style="list-style-type: none"> Faster/lower cost alternative to preparing a CEQA document (e.g., Initial Study/Negative Declaration) CEQA lead agency must file a Notice of Exemption (e.g., state or local government, Resource Conservation District, etc.) 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
	State Water Resources Control Board Program Environmental Impact Report for the Statewide Restoration General Order (SRGO PEIR)*	For projects exceeding size limits for Categorical Exemption 15333 - Small Habitat Restoration Projects (see above)	Projects that result in a net increase in aquatic or riparian resource area functions and/or services. may include multiple benefits (e.g., recreation, groundwater recharge, flood protection)	Statewide	<ul style="list-style-type: none"> Can utilize PEIR to help with CEQA compliance for projects within its scope; reduced effort for CEQA compliance. See Figure ES-2 CEQA Process Flow Chart for a summary of how the PEIR can be used CEQA lead agency must file a Notice of Determination This PEIR could be utilized to satisfy the CEQA requirement of other CEQA lead agencies (in addition to the Water Board), as long as the project meets the definition of a restoration project and meets all other applicable assumptions in the SRGO PEIR See our SRGO PEIR FAQ for answers to common questions
	Statutory Exemption for Restoration Projects (SERP) Administered by California Department of Fish & Wildlife (CDFW) SERP has been extended through January 1, 2030.	No size limits	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	Statewide	<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) The CEQA Lead Agency must first determine independently that the SERP qualifying criteria apply and then seek concurrence from the CDFW Director New quick guide from CDFW on CEQA for restoration projects

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California Environmental Quality Act (CEQA) cont'd					<ul style="list-style-type: none"> The CEQA Lead Agency may contact restorationpermitting@wildlife.ca.gov to discuss whether SERP or SRGO PEIR is the best pathway for your project
State Water Resources Control Board (State Water Board) and Regional Water Quality Control Boards (Regional Water Boards)	Order for Small Habitat Restoration Projects	≤ 5 acres and 500 cumulative linear feet of stream segment or coastline	Aquatic and riparian habitat restoration and related water quality improvement projects. Projects must not be a compensatory mitigation project.	Statewide	<ul style="list-style-type: none"> Faster/simpler process compared to standard individual 401 Water Quality Certification; coordinated with CDFW's HREA authorization (see below) Must be eligible for CEQA categorical exemption 15333 (see above) but other CEQA compliance pathways can be used A project must impact waters of the US to be eligible for this Order. Projects impacting only waters of the state could consider using the SRGO.
	Statewide Restoration General Order (SRGO)*	For projects exceeding size limits for Small Habitat Restoration Projects 401 Water Quality Certification (see above)	Projects that result in a net increase in aquatic or riparian resource area functions and/or services. ; projects may include multiple benefits (e.g., recreation, groundwater recharge, flood protection)	Statewide	<ul style="list-style-type: none"> Faster/more efficient process compared to standard individual 401 Water Quality Certification/WDRs Protection measures are coordinated with USFWS and NMFS Restoration Programmatic Biological Opinions, (see below) Copy jessica.nadolski@waterboards.ca.gov and your USACE permitting contact when submitting your Notice of Intent (NOI) for noticing and informational purposes The SRGO can be used with the SRGO PEIR for CEQA compliance, or with a different CEQA compliance pathway Includes Waste Discharge Requirements (WDRs) for those projects only impacting waters of the state See our SRGO FAQ for answers to common questions

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California Department of Fish and Wildlife (CDFW)	Habitat Restoration and Enhancement Act (HREA)*	≤ 5 acres and 500 cumulative linear feet of stream segment or coastline	Voluntary aquatic habitat restoration and related water quality improvement projects (projects cannot be required as mitigation). Projects must have the primary purpose of improving fish and wildlife habitat.	Statewide	<ul style="list-style-type: none"> Faster/simpler process with one single approval from CDFW for 1600 Lake and Streambed Alteration agreement (LSAA) and California Endangered Species Act (CESA): approval in up to 30 days with the SWRCB's Small Habitat Restoration Permit approval first, otherwise up to 60 days For Fully Protected Species coverage - consider applying for a Restoration Management Permit (RMP) – see below New restoration permitting quick guide from CDFW HREA Guidance Document** Training Videos for Applicants** Contact your CDFW Regional staff to discuss before applying
	Restoration Consistency Determination (CD)	No size limit	Habitat restoration projects (does not have to be in aquatic habitat)	Statewide	<ul style="list-style-type: none"> Faster/simpler CESA coverage without financial assurances or full mitigation requirements Can work in conjunction with the USFWS and NMFS Restoration Programmatic Biological Opinions (see below) and individual biological opinions Exemption from CESA fees for voluntary habitat restoration projects for species listed under both CESA and federal ESA New restoration permitting guide from CDFW Contact restorationpermitting@wildlife.ca.gov to discuss
	Restoration Management Permit (RMP)* (CDFW RMP web page)	No size limit	A project with the primary purpose of restoration that also results in a substantial net benefit to native fish, wildlife, plants, and/or their habitat. Project may also have secondary or incidental benefits, such as	Statewide	<ul style="list-style-type: none"> No financial assurance or full mitigation requirements As of 1/1/2025, consolidates take authorization for CESA-listed species, candidate species, Species of Special Concern/common species, Fully Protected species, and rare plants; as well as Lake and Streambed Alteration into a single permit with no application fee

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California Department of Fish and Wildlife (CDFW) cont.			flood risk reduction, recreation, or groundwater recharge.		<ul style="list-style-type: none"> Environmental Permit Information Management System (EPIMS) not used for this CDFW permitting process Contact restorationpermitting@wildlife.ca.gov to discuss For FAQs see CDFW website For application tips see this Word or PDF document New restoration permitting guide from CDFW
US Fish and Wildlife Service (USFWS)	USFWS Statewide Restoration Programmatic Biological Opinion*	No size limit, but includes annual incidental take limits for certain commonly encountered species and critical habitats. Also includes concurrence on the Not Likely to Adversely Affect (NLAA) determination for 11 species and 4 critical habitats.	Aquatic and riparian habitat restoration and related water quality improvement projects	Statewide	<ul style="list-style-type: none"> Simplified process: uses an ESA Section 7(a)(2) Review Form, rather than preparation of an individual Biological Assessment/Biological Opinion (BA/BO). Simplified post construction requirements 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 Allows for late-arriving federal action agencies (any federal agency can apply to use the consultation) As of 2/7/2025, formal ESA consultation for 47 animals and 21 plants, and 36 critical habitats.
National Marine Fisheries Service (NMFS)	NMFS Biological Opinions for the North Coast Central Coast* Central Valley* South Coast* - expired in December of 2025.	<i>Dewatering Limits</i> North Coast – Max of 1000 contiguous ft of a stream reach may be dewatered at any given time. Central Coast – dewatering limited to 1000 linear feet at any one project site.	Salmonid habitat and related upland restoration. See PBOs for detailed lists of project types, sideboards, and exclusions.	Areas of anadromy	<ul style="list-style-type: none"> Faster/lower cost process: individual Biological Assessment/Opinion not needed Requires a federal nexus (e.g., USACE Permit, NOAA Restoration Center (RC) funding, or in the Central Valley, USFWS funding) Allows for late-arriving action federal agencies

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National Marine Fisheries Service (NMFS) cont'd		<u>Central Valley</u> – Dewatering across entire channel cross-section limited to 1000 contiguous ft of stream.			
California Coastal Commission (ccc)	NOAA Restoration Center Federal Consistency Determination (CD) for the <u>North and Central Coast</u> * 	Linked to NMFS Biological Opinions (see above)	Salmonid habitat and related upland restoration Estuarine and coastal restoration that benefits NOAA trust species	California Coastal Zone from the OR border through SLO County (excludes San Francisco Bay)	<ul style="list-style-type: none"> • Faster/lower cost alternative to obtaining a Coastal Development Permit (CDP) or individual project CD from the Coastal Commission • Use with NMFS Programmatic Biological Opinions for Restoration on the North Coast and Central Coast (see above)
US Army Corps of Engineers (USACE)	Nationwide Permits (2021 NWPs) 27, 33, and 54	No size limits for NWP 27 and 33 NWP 54 - No more than 500 linear feet	<u>NWP 27</u> - Aquatic Habitat Restoration <u>NWP 33</u> - Temporary Construction Access and Dewatering <u>NWP 54</u> - Living Shorelines	Statewide	<ul style="list-style-type: none"> • More efficient than obtaining individual Section 10 Rivers and Harbors Act and individual Section 404 Clean Water Act permits • NWP 27 does not authorize restoration projects that relocate or convert tidal wetlands or waters to other aquatic uses (e.g., converting tidal wetlands into open water impoundments) • The current version of these NWPs expires on 3/14/2026 and new versions will go into effect on 3/15/2026, as well as a new NWP for Activities to Improve Passage of Fish and Other Aquatic Organisms.

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US Army Corps of Engineers (USACE) cont'd	<u>Regional Categorical Permission (RCP) for Environmental Restoration</u> (March 2025)	500 acres for non-channel restoration activities or 5,000 linear feet for channel restoration activities	Stream and wetland restoration activities	Statewide	<ul style="list-style-type: none"> Streamlined programmatic permit as compared to the individual 408 letter of permission process Multiple types of categorical permissions can be used together (erosion control, bridges, etc.) No public noticing requirements NEPA has already been completed programmatically Section 7 still required, but can be done through the USFWS and NOAA programmatic for qualifying projects Section 106 still required Any plantings on or near a levee must meet the standards outlined in <u>Engineer Technical Letter 1110-2- 583, Guidelines for Landscape Planting and Vegetation Management at Levees, Floodwalls, Embankment Dams, and Appurtenant Structures.</u>
	Regional General Permits (RGPs)	No Size Limits	<u>RGP 16</u> – Aquatic Habitat Restoration and Enhancement Activities <u>RGP 41</u> – Invasive Plant Removal	Sacramento District (RGP 16) and Los Angeles District (RGP 41)	<ul style="list-style-type: none"> Faster/simpler approval process than Nationwide and Individual Permits Efficient way to acquire Section 10 Rivers and Harbors Act and Section 404 of the Clean Water Act permitting RGP 16 now covers the entire Sacramento Corps District RGP 16 allows for conversion of waters from one type to another as long as there is an overall no net loss of aquatic resource functions and services.

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Programs that May Cover Permitting for More than One Agency/Authority					
CDFW Fisheries Restoration Grant Program (FRGP)	CEQA Mitigated Negative Declaration (MND), CWA 401 Certification from SWRCB, CWA Section 404 USACE permit (RGP- 12 SF District , 16 Sacramento District , or 78 LA District)	No Size Limits	Restoration, enhancement, or protection of salmonid habitat in anadromous watersheds	FRGP Focus Watersheds. See maps on FRGP web page.	<ul style="list-style-type: none"> Faster/simpler permitting processes for FRGP-funded projects. CDFW helps to acquire permits from other agencies. FRGP opens its Proposal Solicitation Notice (PSN) in January Eligible applicants include state and local government agencies, public entities, Native American Tribes, and nonprofit organizations
Resource Conservation District (RCD) Partners in Restoration (PIR) Programs	A variety of permits available (e.g., CEQA, SWRCB, USFWS, NMFS PBOs)*	Size Limits Vary Based on Project Type	Fish, plant and wildlife habitat restoration and water quality improvement projects	Marin , Santa Cruz , and Alameda County RCDs	<ul style="list-style-type: none"> Consolidated permitting programs managed by RCDs RCDs without PIR programs may still be able to provide some assistance with the permitting process. Find your local RCD at carcd.org/rcds/find/

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