

# Navigating the Permitting Process

## What is a Permit?

A permit is an agreement between a landowner and a resource agency stating that the landowner will follow certain guidelines when carrying out a project on their property.

Examples of permit conditions/requirements include:

- Timing of work during the dry season
- Use of erosion control measures during and after construction
- Use of proper handling guidelines for hazardous materials
- Measures to protect fish and other native species present in the work area

Permits stem from regulatory agency mandates that are established to ensure land use practices and construction projects do not have adverse impacts on the environment.



## When Do I Need a Permit?

Some common projects that require permits include:

- Road improvements
- Streambank repair and stabilization
- Projects that change the use of a wetland or add fill to it
- Diversion or storage of surface water

Projects may require multiple permits from county, state and federal agencies. If you are unsure whether your project requires a permit from a certain agency, call that agency and they will be able to tell you if a permit is required. The following are examples of possible projects and the agencies that may require permits:

## How Do I Get a Permit?

*Contact permitting agencies early in the project planning process!* It can take weeks and often months to obtain necessary permits, so waiting too long could delay your project. Consulting with permitting agencies early on can also save you time and money by making sure that the project is designed in a way that is acceptable to these agencies.

*Start with your local city or county planning department (PRMD), then move to the regional (RWQCB), state (DFW, SWRCB, CCC), and federal agencies (USACE, NOAA Fisheries, USFWS).* See the table below for contact information.

With such a daunting list of potential regulations that may affect your project, landowners may be tempted to work without the benefit of permits. Don't do it! Violators incur fines for illegal work, must repair work to satisfy regulators, and may be required to mediate for damage done to the environment.

| Agency   | Permit   | Agency Contact Information  |
|--|--|---|
| Sonoma County Permit and Resource Management Department (PRMD)   | Grading & Drainage, Zoning, Building, Roiling            | (707) 565-1900<br>www.sonoma-county.org/prmd  |
| CA Department of Fish and Wildlife (DFW)                         | 1600 Streambed Alteration Agreement                      | Bay Delta Region 3: (707) 944-5500<br>www.dfg.ca.gov/habcon/1600  |
| California Coastal Commission (CCC)                              | Coastal Development                                      | North Central Coast District: (415) 904-5260<br>www.coastal.ca.gov/cdp/cdp-forms.html                         |
| North Coast Regional Water Quality Control Board (NCRWCB)        | 401 Certification, Waiver of Waste Discharge Requirement | (707) 576-2220<br>www.swrcb.ca.gov/water_issues/programs/cwa401/  |
| San Francisco Bay Regional Water Quality Control Board (SFBRWCB) | 401 Certification, Waiver of Waste Discharge Requirement | (510) 622-2300<br>www.swrcb.ca.gov/water_issues/programs/cwa401/  |
| US Army Corps of Engineers (USACE)                               | 404 Permit, Section 10 Consultation                      | San Francisco District: (415) 503 6771<br>www.usace.army.mil/CECW/Pages/reg_permit.aspx                       |
| US Fish and Wildlife Service (USFWS)                             | Incidental Take*   | General Office: (916) 414-6464<br>Sacramento Fish and Wildlife Office: (916) 414-6600<br>www.fws.gov/permits/ |
| NOAA Fisheries (formerly National Marine Fisheries Service)      | Incidental Take*, or Sect. 10 of the ESA                 | (562) 980-4000<br>www.nmfs.noaa.gov/pr/permits/   |

\* An incidental take permit is generally acquired through the Corps of Engineers, so there is generally no need to contact USFWS or NOAA fisheries directly for a project that is permitted by the Corps.

**For further permitting assistance, contact the Sonoma Resource Conservation District - (707) 569-1448**



Table adapted from CARCD "Guide to Watershed Project Permitting for the State of California" (2009)

| Analyze your project by asking these questions below.<br><br>Does Your Project:   | City/County Planning Dept & CEQA Review | City/County Environmental Health Department | Water/Irrigation Flood Control District | CA Department of Fish and Game | State Water Resources Control Board Division of Water Quality / Water rights | Regional Water Quality Control Board | National Marine Fisheries Service | U.S. Army Corps of Engineers | California Coastal Commission | National Environmental Policy Act | U.S. Fish and Wildlife Service* | California Reclamation Board |
|---|---|---|---|--------------------------------|--|--------------------------------------|-----------------------------------|------------------------------|-------------------------------|-----------------------------------|---------------------------------|------------------------------|
| Involve bank stabilization or erosion control   | •                                       |   | •                                       | •                              |  | •                                    | ○                                 | •                            |                               | ○                                 | ○                               | •                            |
| Require the removal of trees or riparian vegetation?  | •                                       |   |   | •                              |  | •                                    | ○                                 | ○                            |                               | ○                                 | ○                               | •                            |
| Involve planting riparian vegetation?   | •                                       |   | •                                       | •                              |  | •                                    | ○                                 | ○                            |                               | ○                                 |                                 | •                            |
| Affect native plants, wildlife or fisheries?  | •                                       |   |   | •                              |  | •                                    | •                                 | ○                            |                               | ○                                 |                                 | •                            |
| Result in stormwater discharge into a creek?  | •                                       | •   | •                                       | •                              |  | •                                    | ○                                 | ○                            |                               | ○                                 | ○                               |                              |
| Divert or obstruct the natural flow; or change the natural bed or bank of a creek?  | •                                       |   | •                                       | •                              | •  | •                                    | ○                                 | •                            |                               | ○                                 | ○                               | •                            |
| Involve repair. Rehabilitation or replacement of any structure or fill adjacent to a creek?   | •                                       |   |   | •                              |  | •                                    | ○                                 | ○                            |                               | ○                                 | ○                               | •                            |
| Involve building any structure adjacent to a creek?   | •                                       | •   |   | •                              |  | •                                    | •                                 | ○                            | ○                             | ○                                 | ○                               | •                            |
| Involve fish and wildlife enhancement, attraction or harvesting devices and activities?   | •                                       |   |   | •                              |  | •                                    |                                   | •                            |                               | ○                                 |                                 | •                            |
| Use materials from a streambed (including but not limited to boulders, rocks, gravel, sand and wood debris)?  | •                                       |   | •                                       | •                              |  | •                                    | ○                                 | •                            |                               | ○                                 | ○                               | •                            |
| Require the disposal or deposition of debris, waste or any material containing crumbled, flaked, or ground pavement with a possibility that such material could pass into the stream? | •                                       |   | •                                       | •                              |  | •                                    | ○                                 | ○                            |                               | ○                                 | ○                               | •                            |
| Involve the removal of any materials from a stream or add fill to the stream?   | •                                       |   | •                                       | •                              |  | •                                    | ○                                 | •                            |                               | ○                                 | ○                               | •                            |
| Involve grading or fill near the creek?   | •                                       |   | •                                       | •                              |  | •                                    | ○                                 | ○                            |                               | ○                                 | ○                               | •                            |
| Involve a bridge or culvert?  | •                                       |   |   | •                              |  | •                                    | ○                                 | •                            |                               | ○                                 |                                 | •                            |
| Involve utility pipe lines?   | •                                       | •   |   | •                              |  | •                                    |                                   | ○                            |                               | ○                                 | ○                               | •                            |
| Involve a septic leach field near the creek?  | •                                       | •   |   | •                              |  | •                                    |                                   | ○                            |                               | ○                                 |                                 | •                            |
| Require a water well near the creek?  | •                                       | •   |   | •                              |  | •                                    | ○                                 | ○                            |                               | ○                                 | ○                               | •                            |
| Involve work within historic or existing coastal wetlands?  | •                                       |   |   | •                              |  | •                                    |                                   | •                            | •                             | ○                                 | ○                               |                              |
| Remove water from creek for storage or direct use on non-riparian land?   | •                                       |   | •                                       | •                              | •  | •                                    | ○                                 | ○                            |                               | ○                                 | ○                               | •                            |
| Require that hazardous materials be generated and/or stored on site?  | •                                       | •   |   | •                              |  | •                                    |                                   | ○                            |                               | ○                                 | ○                               | •                            |
| Involve a land disturbance of five acres or more?   | •                                       |   |   | •                              | •  | •                                    |                                   | ○                            |                               | ○                                 |                                 | •                            |
| Involve a creek or stream with species listed as endangered or threatened?  | •                                       |   |   | •                              |  |                                      | •                                 | ○                            |                               |                                   | ○                               |                              |

• = Action will most likely require regulatory compliance

○ = Action may require regulatory compliance

\*USFWS requires permits only when listed, threatened and/or endangered species may be affected