



SAN FRANCISCO BAY AREA JOINT AQUATIC RESOURCE PERMIT APPLICATION

INSTRUCTIONS, DRAWINGS SUBMITTAL INFORMATION, USEFUL DEFINITIONS, & AGENCIES/FEEES

This Joint Application (JARPA) may be used to apply for a variety of projects that take place along the San Francisco Bay and the coastline, including projects near or in wetlands or creeks that flow to the bay. In most cases, a project in such a location involves permitting from a variety of agencies. This single JARPA document is designed to be used in place of individual applications for state, federal and some regional agencies; and, therefore, to make the application process more clear and consistent. Please note that a completed JARPA must be submitted directly to each agency with jurisdiction over the project.

Property owners are not always aware that certain geographic features on a property may be considered waters of the state. Such waters (for example creeks and even intermittent streams) may be regulated by local agencies that make CEQA determinations, as well as the San Francisco Bay Regional Water Quality Control Board, US Army Corps of Engineers, and California Department of Fish and Game.

This document is intended to help you complete the application form expediently and to provide you and the agencies with a similar vocabulary and understanding of the application process. Depending on the type of project you are proposing, other permits may be required that are not covered by this application. For further permitting requirements, be sure to check with the local government agency (i.e. city, county or special district) that has jurisdiction over the project area. The local government agency makes a CEQA determination for the proposed project (for more information on CEQA, see the definitions section of this document). The CEQA process is separate from administrative permitting covered under the JARPA permit application. You may initiate the JARPA process while the local agency is making CEQA determinations on your project or after the determination is complete. Initiating JARPA during the CEQA review phase may speed up permitting; however, State agencies (the Regional Water Board, BCDC, Fish and Game) are not legally authorized to issue permits until compliance with CEQA is documented. Compliance with CEQA may be documented through demonstration of the applicability of a Categorical Exemption or through a Notice of Determination for a Negative Declaration or Environmental Impact Report.

If your project is a project that involves dredging of the San Francisco, San Pablo, or Suisun Bay, please use the Dredged Material Management Office (DMMO) form which can be downloaded from the Army Corps of Engineers website (<http://www.spn.usace.army.mil/conops/dmmo.htm>). You may contact DMMO staff at 415-977-8471.

Agency fees are subject to change periodically. It is strongly recommended that you contact the agencies to which you are submitting an application to confirm that the fees you are sending are the amount required to process/review the application.



APPLICATION INSTRUCTIONS

COMPLETING THE APPLICATION. *The following section provides box-by-box information to help you complete the application form.*

COVER PAGE - AGENCY INFORMATION – Check the agencies that have purview over your project and to whom you will be submitting an application. On the right, fill in the specific personnel, **if any**, that you have contacted, any applications made, permits received. This will enable agency personnel to discuss questions with each other and potentially process your application quicker.



SECTION ONE BOXES 1 THROUGH 17

BOX 1 –PROJECT/APPLICANT NAME – If your project has a name (for example, Smith Deck Renovation, Sunshine Garden Development, or Bridge Over Rock Creek) fill it in. In addition complete the name, address, and telephone, facsimile number, and /or e-mail address of the person, business, or agency that is **proposing the project**. Check the appropriate box for the relationship of the applicant to the property.

BOX 2 – AUTHORIZED AGENT – The name, address, and telephone, facsimile number, and /or e-mail address of the person, business, or agency who **is authorized to represent the applicant during the processing of the permit**, if different from the applicant. Please note that if you are applying to California Fish and Game, you will need to specify the contractor and any additional contact on page 7.

BOX 3 –PROPERTY OWNER – The name, address, and telephone, facsimile number, and /or e-mail address of the person, business, or agency who owns the property.

BOX 4 – LOCATION – Please complete the boxes, including:

- Address: The location of the proposed project
- Waterbody: The name, **if any**, of the river, stream, lake, **drainage, wetland, or other aquatic features** where your proposed project or activity will take place

- Tributary of: The name of the watercourse or waterbody to which the above **waterbody** is tributary
- Latitude and Longitude: The coordinates of the property where the project will occur
- Assessor's Parcel Number: The Assessor's Parcel Number of the property on which your project or activity will take place, if known
- Zoning Designation: The planning zone where the property lies (contact city or county planning agency if necessary)
- Section, Range, and Township: The section, range, and township number of the property on which the project or activity will take place if the property is in a remote area

Note: DFG has additional requirements in Box 17, FG8

BOX 5 – EXISTING SITE CONDITIONS –

Describe the site conditions including structures on the site and current site uses or activities.

BOX 6 – PROPOSED STARTING DATE – The month, year, and, if known, day, you propose to begin the project or activity, and the proposed time frame for the project/activity. Mark the appropriate box for continuous or staged construction.

BOX 7 – DESCRIPTION OF THE PROPOSED

PROJECT– This section is the core of your application. Stating what your project entails in clear language with clear drawings (see section on drawings below) will ensure that your application can be reviewed properly. If a project description is vague,

agency staff may need to contact you again for more information.

Provide a full, technically accurate description of the entire activity and associated environmental impacts. Attach as many pages as needed to describe the proposed project or activity, including **(in any reasonable order)**:

- ◆ Where the project or activity will take place in reference to known landmarks, **streets, natural features, etc.**
- ◆ Construction materials: identify materials to be used in construction of project
- ◆ Construction methods, timeline, and phasing plan: the equipment that will be used to complete the project or activity
- ◆ Construction and post-construction stormwater management and pollution control measures. If a Stormwater Pollution Prevention Plan (SWPPP) is being prepared for the project, it may be submitted for this requirement as long as it fully describes post-construction control measures proposed
- ◆ Anticipated impacts on **wetlands, open water, or riparian areas, including impacts to fish and wildlife or their habitat**
- ◆ Describe any temporary or permanent dewatering or water diversion structures.
- ◆ Include dimensions and locations of structures such as culverts, gabions, dikes, wing walls, cofferdams, excavations, etc.
- ◆ Site conditions both before and after the project or activity is completed including:
 - ◆ Direct or indirect changes in streambed slope, cross sectional dimension or area, vegetation, and/or surfacing
 - ◆ Changes in the drainage patterns and potential impacts to onsite and downstream waterbodies, including groundwater
- ◆ **Acres of project site that will be used for development features, and acres to be used for open space**

Equipment. List all equipment and machinery that will be used to complete the project. If lubricants, solvents, chemicals, or other materials not normally found on construction sites will be present in the project area, list those materials in addition to the equipment and machinery that will be used to complete the project. Also list where the equipment/machinery will enter and exit the project area.

Work in Wetted Channel . Check the applicable box. If “yes” is checked, a plan to divert water around (i.e., to dewater) the project site **must** be enclosed with the notification and should specify the method of diversion

or drafting and the volume, rate, and timing of water diversion or drafting.

Purpose of Proposed Project - Summarize the purpose and need for the over-all proposed project.

Environmental Documents (Non-CEQA) - List any environmental documents (not including the CEQA documents listed in Box 15) that have been prepared for the project and/or the project site and which may contain information helpful in evaluating the project. Include wildlife and endangered species surveys, wetland or other jurisdictional delineations, hydrologic and geologic studies, groundwater studies, soil sampling reports, and so on. Provide the name of the document, the date prepared, and the name of the individual, firm, or agency that prepared it. Provide a copy of wetland delineations and endangered species surveys along with form to the RWQCB. Copies of other documents may be requested during RWQCB staff review if additional information is needed to make a determination.

BOX 8A – PLACEMENT OF STRUCTURES AND/OR FILL UNDER ARMY CORPS JURISDICTION

– Describe all structures to be placed in jurisdictional areas (Note: structures are regulated as “fill”). The location and dimension of all associated access roads, work staging areas, and structures to be constructed on fill, piles, or floating platforms in waterbodies. Indicate if the structures are permanent or temporary. If temporary, provide a schedule or otherwise describe how long they will be placed in waterbodies, and how the site will be revegetated, restored, or otherwise reconditioned on their removal. Provide both total amount of fill to be placed, and amount of fill below relevant water lines.

8B - WATERWAY IMPACTS: PLACEMENT OF STRUCTURES AND/OR FILL IN WATERS OF THE STATE

– Fill in if the project occurs in a river, stream, creek or **drainage** and describe possible impacts to existing conditions.

Describe the effects to natural flow, bed, channel and bank of the river, stream, or lake. Quantify the effects and impacts in the project vicinity by noting the type, volume, and dimensions of material displaced through grading, trenching or other forms of site alteration. Also include any impacts to the riparian zone on or adjacent to the channel floodplain. The riparian zone is the area that surrounds a channel or lake and supports (or can support) riparian vegetation that is dependent on surface or subsurface water. Include the effects of your project to this zone at least to the

outer (landward) edge of the drip line of the riparian vegetation (includes riparian vegetation communities that extend beyond the top of bank).

If you are applying to the RWQCB, they require additional information to be provided as a table shown below. If the activity involves the discharge of material into a wetland, creek, or other waterbody, including the temporary placement of material, list and explain each fill action.

- If the activity involves dredging material from a wetland, creek, or other waterbody, including “clean scoop” dredging, list and explain each dredge action.

- For each discharge/dredge action, describe the type and amount of material being discharged/dredged. State the quantity of each material being discharged in cubic yards.
- For each discharge/dredge action, provide the total estimated area of waters of the State that will be **temporarily and/or permanently** affected by a discharge or dredging. Specify temporary (**T**) or permanent (**P**). Area estimates should be provided in acres and, for projects affecting linear features such as creeks, channels, shorelines, and riparian corridors, additionally in linear feet. Dredging estimates should be provided in acres and cubic yards.

Provide a map, plan, or figure that shows the location of each action.

Example of Table to accompany map for RWQCB re: Fill BOX 8B (and 13)

Map Location Number	LOCATION (show on plan & indicate waterbody)	REASON FOR ACTION (See instructions)	AMOUNT AND TYPE OF MATERIAL (in cubic yards, see instructions)	SURFACE AREA AFFECTED (in acres and/or linear feet; specify (T) or (P); see instructions)
1	NW corner of parcel on Creek A	Place riprap to stabilize slope	3 CY ¼-ton riprap 10 CY root wads	.002 acre (P), 200 linear feet (P)
2	Creek B above construction	Construct coffer dam to dewater site	15 CY bags of clean gravel	.002 acre (T), 200 linear feet (T)
3	Along length of Creek B	Reconstruct failing bank	60 CY ½-ton riprap	2,100 LF (0.72 acre) (P)
4	Along length of Creek A	Dredge channel bottom to increase capacity	Remove 2,000 CY of sediment	3,000 LF (1.37 acre) (P)

Note: T = Temporary, P=Permanent

BOX 9 – IMPACTS ON WETLANDS– Fill in if the project will have temporary or permanent impacts to a wetland or submerged land. Describe size, nature, and location of areas to be filled or otherwise affected by the project. (e.g. will project flood or drain a wetland?). In most cases, if the proposed project involves unavoidable temporary or permanent impacts to wetlands and/or other waters of the State, mitigation will be required. See Box 13.

BOX 10 – POTENTIAL FOR IMPACTS TO THREATENED AND ENDANGERED SPECIES –

Fill in if the project may affect a species (or its habitat) listed as a threatened or endangered species in under either the United States or California Endangered Species Acts.

Biological Study/Assessment - Check the applicable box. If “yes” is checked, the biological study or survey **must** be enclosed with the notification. **If “no” is checked or the biological study enclosed with the notification is inadequate, agencies may require you to complete a biological study to evaluate the project’s potential impact on biological resources before accepting the application as complete.**

Hydrological Study/Assessment - Check the applicable box. If “yes” is checked, the hydrological study or survey **must** be enclosed with the notification. **If “no” is checked or the hydrological study enclosed with the notification is inadequate, agencies may require you to complete a hydrological study or provide other information on site hydraulics (e.g., flows, channel characteristics, and/or flood recurrence intervals) to evaluate the project’s potential impacts on hydrology before accepting the application as complete.**

BOX 11 – AVOIDANCE OF IMPACTS - The RWQCB requires that all fill and other impacts to waters of the State be avoided to the maximum extent practicable, and that unavoidable fill and/or other impacts be minimized. (90 percent of applications to the RWQCB require Alternatives Analyses.). In addition, the Corps has the same requirements for projects that require Clean Water Act Section 404 Individual Permits.

Provide information to demonstrate that the project has, to the extent practicable, avoided filling or

otherwise adversely affecting waters of the State, and that any remaining impacts have been minimized.

- Describe efforts that have been or will be taken to avoid adverse impacts to waters of the State. Impact avoidance actions might include reconfiguring a project to avoid filling a waterway and to provide creek or wetland buffers, using a span bridge rather than a culvert for a roadway crossing, stacking units or parking structures to reduce project footprint, etc.
- For impacts that cannot be avoided, describe steps that have been or will be taken to minimize adverse impacts. Impact minimization actions might include using bioengineering techniques, sizing and designing structures to minimize hardscape (rather than applying standard designs), phasing or coordinating projects to reduce individual impacts, narrowing roadways to reduce impermeable surface area and associated stormwater runoff, etc.
- Describe and evaluate onsite and offsite alternatives to the project, consistent with the specifications of the U.S. EPA’s Clean Water Act Section 404(b)(1) “Guidelines for Specification of Disposal Sites for Dredge or Fill Material”, dated December 24, 1980.

BOX 12 – MITIGATION – Describe the proposed mitigation in terms of area and function. Functions to evaluate may include wetland or riparian habitat, aquatic habitat, groundwater recharge or discharge, flood peak attenuation, water quality enhancement, sediment retention, sediment transport, etc., The identification of appropriate mitigation is dependent on the character and function of the waters impacted. Except in the situation of a very minor impact and simple mitigation, a Mitigation Plan should be attached that describes the proposed project’s physical and biological impacts, mitigation goals, a mitigation work plan, a management and maintenance plan, success criteria and performance indicators, a monitoring plan, site protection measures, and financial assurance. Guidance for preparing a Mitigation Plan is available at www.swrcb.ca.gov/rwqcb2/. Mitigation proposals should be consistent with the “Habitat Mitigation and Monitoring Proposal Guidelines” (U.S. Army Corps of Engineers, San Francisco District, October 1991) and/or “Guidelines for Monitoring Riparian Mitigation Projects” (U.S. Army Corps of Engineers, San Francisco District, 1994).

If a project is in the BCDC jurisdiction, the mitigation plan should also contain:

- Precise elevations at one-foot contour intervals that are suitable for the desired plant and animal communities and that provide sufficient tidal prism and circulation to accommodate expected siltation.
- An analysis of both on- and off-site factors affecting tidal flow to the site, such as channel dimensions, levee breaches and tidal control structures.
- A soil analysis to determine whether the soils are suitable for establishment of target plant and animal communities.
- A list of the Bay resources to be created by the mitigation program with an indication of how much of the mitigation site is to be occupied by each habitat type.

BOX 13 - EXCAVATION AND/OR DREDGING OUTSIDE OF SAN FRANCISCO BAY, SAN PABLO BAY, OR SUISUN BAY– Fill in all details if the project involves excavation and/or dredging in a water body or wetland. If you are applying to the RWQCB, they require additional information to be provided as a table shown in 8B. If the activity involves the discharge of material into a wetland, creek, or other waterbody, including the temporary placement of material, list and explain each fill action.

- If the activity involves dredging material from a wetland, creek, or other waterbody, including “clean scoop” dredging, list and explain each dredge action.
- For each discharge/dredge action, describe the type and amount of material being discharged/dredged. State the quantity of each material being discharged in cubic yards.
- For each discharge/dredge action, provide the total estimated area of waters of the State that will be **temporarily and/or permanently** affected by a discharge or dredging. Specify temporary (**T**) or permanent (**P**). Area estimates should be provided in acres and, for projects affecting linear features such as creeks, channels, shorelines, and riparian corridors, additionally in linear feet. Dredging estimates should be provided in acres and cubic yards.

Provide a map, plan, or figure that shows the location of each action.

BOX 14 – ENVIRONMENTAL IMPACT DOCUMENTATION – On the first page of the JARPA Form, you entered the name of the Lead Agency for the project, generally the local agency with most jurisdictional responsibility for the project. Regional and State agencies are required to consider CEQA documents prepared by the Lead Agency prior to taking a permitting action, to determine whether the CEQA document(s) are adequate, and whether there are any unmitigated environmental impacts.

Please provide the status, and date of completion where applicable, of any CEQA documents prepared for the project. Provide the exemption number (CCR Title 14 Section Number) for categorical or statutory exemptions.

See definitions of NEPA and CEQA in definitions section for basic guidance. Additional CEQA guidance is available at http://ceres.ca.gov/topic/env_law/ceqa/guidelines/

Explain if portions of this project have been reviewed and denied for any reason.

List any related projects and their CEQA/NEPA status.

BOX 16 – PUBLIC NOTICE TO ADJACENT PROPERTY OWNERS Please fill in the names of the adjacent property owners so agencies can ensure that all necessary notifications take place.

Box 17 - SITE INSPECTION

Public Agency staff may need to conduct an inspection of the project site prior to issuing a permit or an agreement.

Checking the first box will enable personnel to enter the property at a reasonable time in the future without having to contact the property owner in advance. Receiving such consent in advance may reduce the amount of time to process the application. If the first box is checked, provide access instructions.

Check the second box and provide the name and telephone number of the person to contact before entering the property if you cannot or do not want to give consent to enter the property in advance. The box should also be checked if the property owner or the owner’s representative needs to be present for a site visit.



SECTION TWO

AGENCY SPECIFIC REQUIREMENTS

BOX 17 - California Department of Fish and Game

Box FG4. Agreement Term Requested

An agreement may be either a regular agreement or long-term agreement. A regular agreement is one with a term of five years or less. A long-term agreement is an agreement with a term greater than five years.

Whether "Regular" or "Long-term" is checked, the Department has the discretion to determine the term of the agreement. Hence, if "Regular" is checked, the Department may decide a term of between one and five years. If "Long-term" is checked, the Department may decide either not to grant your request for a long-term agreement, but instead issue a regular agreement, or grant your request and decide some term greater than five years. If "Long-term" is checked and the Department decides not to grant your request for a long-term agreement, the Department will contact you, and thereafter process the notification as one for a regular agreement upon your written request.

If "Regular" is checked, the Department will process the notification and issue a draft agreement with a term no longer than five years in accordance with the time periods specified in Fish and Game Code sections 1602 and 1603. Specifically, the Department will determine whether the notification is complete within 30 days of receiving the notification form and correct notification fee, and issue you a draft agreement within 60 days of receiving a complete notification.

If "Long-term" is checked, the 30- and 60-day time periods described above will not apply (see Fish and Game Code section 1605(g)(5)). Hence, the Department may take longer than 30 days to determine if the notification is complete and longer than 60 days to issue a draft agreement after it receives a complete notification.

C. Project Term

Specify both the year the project will begin and the year the project will end.

Note: If "Regular" is checked in box B, the term in box C (e.g., 2005 to 2007) may not exceed five years. If "Regular" is checked in box B and the term in box C is greater than five years, the Department may consider the notification to be incomplete and suspend processing the notification.

Please be aware that the Department must often use the full 90 days it has available for notification review and agreement preparation, and may restrict work within a stream or lake to the dry season of the year. Consequently, you may want to include more than one season of possible operation in your project proposal.

Seasonal Work Period -Specify the time period (month and day) you intend to work on the project (e.g., August 1 to October 15). If the work period will not be the same each year, specify the time period for each year of the project (e.g., 2007: August 1 to October 15. 2008: June 1 to September 15. 2009: March 1 to July 15). The Department may restrict project work to certain periods depending on rainfall, fish migration, wildlife breeding, or other resource concerns.

Number of Work Days - Specify the estimated number of days of actual work that will be needed to complete the project.

FG5. AGREEMENT TYPE

Identify the type of agreement requested in the notification by checking the applicable box. Complete Attachment A, B, C, or D, if applicable. You may obtain attachments A, B, C or D by going to the Department of Fish and Games Lake and Streambed Alteration Agreement website at www.dfg.ca.gov/1600/index.html, or by contracting the DFG Central Coast Region at (707) 944-5520. (Note to form author: attachments A, B, C and D are referred to in section FG5, but are missing from the JARPA application.

A. Standard

Check this box for most construction projects, excluding: gravel, sand, or rock extraction; timber harvesting; water diversion, extraction, or impoundment; routine maintenance; restoration through Department's Fisheries Restoration Grant Program; or a Master Agreement as defined below.

B. Gravel/Sand/ Rock Extraction

Check this box **and** complete Attachment A if the project is for the commercial or non-commercial mining or extraction of gravel, sand, rock, or other aggregate material. Provide the mine identification number if the mining or excavation is *not* exempt from the Surface Mining and Reclamation Act (see Public Resources Code section 2714).

C. Timber Harvesting

Check this box **and** complete Attachment B if the project is part of a timber harvesting plan ("THP"), including a modified or program THP, or non-industrial timber management plan ("NTMP"). Provide the number assigned to the THP or NTMP.

D. Water Diversion/ Extraction/Impoundment

Check this box **and** complete Attachment C if the project is directly related to any diversion, obstruction, extraction, or impoundment of the natural flow of a river, stream, or lake. Provide the number assigned to the State Water Resources Control Board application, permit, license, registration, or other authorization to divert, extract, or impound water, if applicable.

If the diversion, obstruction, extraction, or impoundment of water is only **incidental** to the project described in the notification (e.g., temporarily dewatering a stream segment to install a culvert or bridge or drafting water as part of a timber harvesting operation) do not check this box or complete attachment.

E. Routine Maintenance

Check this box **and** complete Attachment D if the **primary** objective of the project is to maintain on a routine basis a number of existing private or public facilities, such as canals, channels, culverts, and ditches.

If the project is a one-time maintenance project, do not check this box or complete the attachment.

F. DFG Fisheries Restoration Grant Program

Check this box if the project is funded by the Department's Fisheries Restoration Grant Program **and** provide the contract number.

G. Master

Check this box for an agreement with a term of greater than five years that:

- 1) covers multiple projects that are not exclusively projects to extract gravel, sand, or rock; not exclusively projects that are included in a timber harvesting plan approved by the California Department of Forestry and Fire Protection; or not exclusively routine maintenance projects that the entity will need to complete separately at different time periods during the term of the agreement; and
- 2) describes a procedure the entity must follow for construction, maintenance, or other projects the agreement covers.

An example of a project for which the Department would issue a master agreement is a large-scale development proposal comprised of multiple projects for which specific, detailed design plans have not been prepared at the time of the original notification.

H. Master Timber Harvesting

Check this box for an agreement with a term of greater than five years that:

- 1) covers timber operations on timberland that are not exclusively projects to extract gravel, sand, or rock; not exclusively projects that are included in a timber harvesting plan approved by the California Department of Forestry and Fire Protection; or not exclusively routine maintenance projects that the entity will need to complete separately at different time periods during the term of the agreement; and
- 2) describes a procedure the entity must follow for construction, maintenance, or other projects the agreement covers.

FG6. FEES

A. Project

Specify the proposed project(s) for the purpose of calculating fees. "Project" means either of the following as determined by the Department:

- 1) One activity. An example of such a project is one that is limited to the removal of riparian vegetation at

one location along the bank of a river, lake, or stream that will substantially change the bank.

2) Two or more activities that are interrelated and could or will affect similar fish and wildlife resources. An example of such a project is the construction of one bridge across a stream that requires the removal of riparian vegetation, the installation of abutments in or near the stream, and the temporary de-watering of the stream using a diversion structure. Each of those three activities together would constitute one project for the purpose of calculating the fee under this section because they are all related to the single purpose of constructing one bridge at one location.

By contrast, the construction of three bridges and two culverts across a stream at five different locations would not constitute one project, but instead would constitute five projects, even if each structure were to provide access to a common development site and/or were physically connected to each other by a road.

Note: *The Department may require the entity to separately notify of one or more projects based on type, location, and fish and wildlife resource issues.*

B. Project Cost

If the project is **not** for gravel, sand, or rock extraction; timber harvesting; or routine maintenance, provide the estimated cost to complete the project over the proposed term of the agreement. If the project is for gravel, sand, or rock extraction; timber harvesting; or routine maintenance, write "not applicable" in this box and refer to the enclosed fee schedule to determine the notification fee.

Note: *For purposes of calculating the notification fee, "project" refers only to the activity that is subject to the notification requirement in Fish and Game Code section 1602 (described in Part I, above) and not the entire project. For example, if the project described in the notification is the construction of a bridge across a stream (that requires notification) and the bridge construction is part of a housing development (that except for the bridge construction does not require notification), only the cost of the bridge would be used to calculate the notification fee.*

C. Project Fee

After determining the estimated project cost, refer to the fee schedule to determine the notification fee. The Department may require you to submit information that evidences the cost of the project.

Note: *If the notification includes more than one project, the fee shall be calculated by adding the*

separate fees for each project. For example, if a notification identifies three projects, one of which will cost less than \$5,000, one which will cost \$7,500, and one of which will cost \$17,500, the fees for these projects would be \$200, \$250, and \$500 respectively. The total fee would be \$950.

D. Base Fee

If this notification is for a Standard Agreement, or an Agreement for Gravel, Sand or Rock Extraction, with a term of less than five years, skip to box 6.E. If this notification is for any other type of agreement, enter the corresponding "base fee" as identified in the fee schedule.

E. Total Fee Enclosed

Provide the amount of the total fee enclosed with the notification form. Checks must be made payable to the Department of Fish and Game.

FG7 PRIOR NOTIFICATION AND ORDERS

A. Previous Notification and/or Agreement

Check the applicable box. If "yes" is checked, provide your name; the number assigned to the notification; and either the date the notification was submitted or the date the Department signed the final agreement, if a final agreement was issued.

B. Notification Related to Order by Court or Agency

In some instances, a court or administrative agency (e.g., the Department or a Regional Water Quality Control Board) might require you to perform work that is subject to the notification requirement in Fish and Game Code section 1602 to comply with an order, notice, or other directive ("order") issued by the court or agency. If the notification is being submitted in response to such an order, check "yes" and provide a copy of the order. If that is not the case, check "no."

Note: *If the notification is being submitted in response to an order and the Department determines that an agreement is required to perform the work described in the notification to protect fish, wildlife, and plant resources, the measures the Department includes in a draft agreement to protect such resources will **not** be subject to arbitration. Instead, you must accept the measures unless the Department agrees to modify them (See Fish and Game Code section 1614).*

FG8. PROJECT LOCATION

D. Wild and Scenic Rivers

Check the appropriate box to specify whether or not the river or stream segment where the project is located is listed as a state or federal Wild and Scenic River. Refer to Public Resources Code section 5093.5 *et seq.* and section 1271 *et seq.* in title 16 of the United States Code.

Note: *If the project is located within a segment of a river or stream that is listed in the state or federal Wild and Scenic River Acts, the Department cannot approve the project unless it is consistent with the act(s).*

E. County

Provide the name of the county where the project will take place.

F. USGS 7.5 Minute Quad Map Name

Provide the name of the USGS 7.5 minute quadrangle map(s) that includes the property where the project will take place.

G - J. Township, Range, Section, ¼ Section

Provide the township, range, section, and ¼ section numbers of the property where the project will take place. Many county and city websites provide township, range, section, and ¼ section numbers.

K. Meridian

Provide the meridian of the property where the project will take place, if available.

L. Assessor's Parcel Number

Provide the Assessor's Parcel Number of the property where the project will take place. Among other documents, Assessor's Parcel Numbers are found on deeds and tax records.

M. Coordinates

If available, provide either the latitude and longitude or the UTM coordinates of the property where the project will take place **and** specify the datum used.

FG9. PROJECT CATEGORY AND WORK TYPE

Identify the project category and work type described in the notification by checking the applicable box(es). If "Other" is checked, briefly describe the type of project.

FG11. PROJECT IMPACTS

B. Vegetation

Check the applicable box. If "yes" is checked, complete the following tables by specifying the type of vegetation (i.e., trees such as oak, willow, or sycamore, and plant communities, such as salt marsh, freshwater marsh, wet meadow, willow thicket, riparian woodland, willow riparian woodland, desert wash woodland, riparian forest, oak riparian forest, redwood forest, riparian scrub, desert wash scrub, alkali sink scrub, oasis, vernal pool, bog, non-native, or ornamental) that will be affected temporarily and permanently, and the amount of vegetation that will be affected temporarily and permanently both in linear feet and total acres.

If trees **greater than 2 inches in diameter at breast height (4.5 ft)** will be removed as part of the project, specify the species of trees to be removed and (if available) the estimated number of trees of that species that will be removed and the range of trunk diameters measured at breast height. Trees can be grouped into size classes, for example, four oak trees approximately 10 to 20 inches in diameter. Attach a tree survey, if available.

C. Special Status Species

Special status species are endangered, rare, or threatened animal or plant species as defined in section 15380 of the California Environmental Quality Act ("CEQA") Guidelines (California Code of Regulations, title 14, section 15380).

Check the applicable box. If "yes" is checked, list each species and/or describe the habitat that will be affected.

If a species listed in this box is protected under the California or federal Endangered Species Act, you may be required to obtain take authorization from the Department and/or the U.S. Fish and Wildlife Service ("USFWS") or National Marine Fisheries Service ("NMFS"). Contact the Department, USFWS, or NMFS for information on take authorization.

D. Source

Identify the sources of information that were used to conclude that special status animal or plant species or habitat that may support such species are, or are not, present on or near the project site.

FG12. MEASURES TO PROTECT FISH, WILDLIFE, AND PLANT RESOURCES

A. Erosion Control

Describe the methods or techniques that will be used to prevent sediment from entering any watercourses during and after construction. If no erosion control methods or techniques will be used, indicate “not applicable” and explain the reason they will not be used.

B. Impact Avoidance/Minimization Measures

Describe all measures that will be incorporated into the project to avoid or minimize impacts to fish, wildlife, and plant resources, other than erosion control methods or techniques. If no such measures have been identified for the project, indicate “not applicable” and explain the reason for the absence of such measures.

C. Mitigation/Compensation Measures

Describe all measures that will be incorporated into the project to mitigate or compensate for impacts to fish, wildlife, and plant resources. If no such measures have been identified for the project, indicate “not applicable” and explain the reason for the absence of such measures.

FG13. PERMITS

A - D. Local, State, and Federal Permits

List any local, state, and federal permits that are required for the project and check the applicable boxes (i.e., applied vs. issued). **Enclose a copy of each permit that has been issued.** You are responsible for obtaining all necessary permits and authorizations from the Department and other agencies before beginning any project described in the notification.

FG14. ENVIRONMENTAL REVIEW

Filing Fee

Check the applicable box. If “yes” is checked, proof that the filing fee has been paid **must** be enclosed with the notification. If “no” is checked, explain the reason the filing fee has not been paid. A filing fee may not have been paid, for example, because the lead agency has not completed or approved or certified the CEQA document at the time the notification is submitted or one of the exceptions to payment of the filing fee applies.

Note: If a filing fee has not been paid, but the Department determines that the fee is required, the Department may not issue a final agreement until it receives proof that the fee has been paid. For more information on filing fees, refer to Part IV.

- 1) You are unable to schedule a date for the inspection that will reasonably allow the Department to make its completeness or agreement determination or issue a draft agreement within the 30- and 60-day time periods specified in Fish and Game Code sections 1602 and 1603.
- 2) You or the owner of the property where the project will take place (if different from the applicant) refuses to allow Department personnel to enter the property. In that case, the Department may refuse to process the notification, in which case the 30- and 60-day time periods will no longer apply.

FG16. DIGITAL FORMAT

If any of the information included as part of the notification is available in digital format, submit the information via digital media (e.g., CD, DVD, etc.) with the notification.

Note: The notification form must be completed and submitted in paper format, even if the information is available in digital format.

FG17. SIGNATURE

If the applicant is a person, that person must sign the notification in order for it to be valid. If the applicant is a business, state or local governmental agency, or public utility, only a person who is an employee of the business, agency, or utility and authorized by it to sign the notification, may sign the notification in order for it to be valid. **Under no circumstances should a consultant or other contact person or property owner who is not the applicant or, if the applicant is a business, agency, or utility, not an authorized employee of the applicant, sign the notification.** If that occurs, the Department may return the notification to the applicant as invalid.

BOX 18 –ADDITIONAL INFORMATION FOR BCDC

BCDC encourages applicants to contact the Commission’s staff for assistance in completing their regular application. The same applies to this JARPA application. A complete set of BCDC’s

application and instructions can be downloaded from their web site (<http://ceres.ca.gov/bcdc/commdoc/overview.htm>).

Campaign Contributions

The box provides space to disclose campaign contributions of \$250 or more made to a Commissioner or alternate Commissioner within the past year. If additional space is needed to list all such campaign contributions, provide this information in an attachment. If no campaign contributions have been made to Commissioners

or their alternates, use a check mark to indicate this. A list of the current Commissioners and their alternates is available from the Commission's office. This information must be provided to comply with state law. In addition, state law prohibits an applicant and his or her agent from contributing \$250 or more to the campaign of any Commissioner or alternate while the application is pending or during a period of three months after the vote on the application. Violations are subject to fines of up to \$10,000.



DRAWINGS SUBMITTAL INFORMATION

Assistance for the Completion of Drawings. General Information. Please provide one set of original or good quality reproducible drawings to each agency. Applicants may provide photographs, however, they may not substitute them for the drawings. The U.S. Army Corps of Engineers (for Individual Permits), BCDC, and the U.S. Coast Guard require at least one set of drawings on 8-1/2 x 11 inch sheets. Larger drawings may also be required by these and other agencies

Four types of illustrations are needed to properly depict the proposed activity: Vicinity Map, USGS Quad Map, Plan View(s), and Cross-Sectional View(s). Drawings should be prepared using clear printing, black ink, and the fewest number of sheets possible. Include the scale on all drawings. The importance of clear accurate drawings cannot be overstated. At a minimum, drawings must contain the following information; other information may be required depending on project type. If you have questions regarding completing the drawings, call the appropriate agency.

1. Vicinity Map. A copy of a county or city road map may be used. Include:
 - a. North arrow
 - b. Name of water body (and river mile if appropriate)

- c. Location of the proposed activity, including boundaries
- d. Directions to the site
- e. Appropriate agency jurisdictional boundaries

2. U.S. Geological Survey Topographic Map (Quad Map). Show project boundaries on quad map.

3. Jurisdictional Map(s). Show and clearly distinguish all areas of agencies' jurisdiction on the project site. (Contact the Corps for wetlands delineation information. Note: RWQCB and CDFG jurisdiction is often larger than Corps jurisdictional areas.)

4. Plan View(s). This drawing illustrates the proposed project area as if you were looking down at the site from overhead.

- a. North arrow
- b. Name of water body and direction of water flow
- c. Name of receiving water
- d. Location of the proposed activity, including boundaries
- e. Location of existing shoreline
- f. Tidal Waters: As appropriate show the High Tide, Mean High, and Mean Lower Low Water Marks or Lines, and/or wetland boundaries. Indicate elevation in relation to a specified datum. For marshland areas also show the 5 foot contour line.
- g. Non-tidal waters: Show the Ordinary High Water Line, Meander Line, and/or wetland boundary.

- h. Dimensions of the activity or structure and impervious surfaces, distance from property lines, and the distance it extends into the waterbody beyond the Mean High Water Line, or the Ordinary High Water Line (Note: This is only relevant to Corps jurisdiction, not State jurisdiction).
- i. Show existing structures on subject properties.
- j. Indicate adjoining property ownership.
- k. Identify any part of the activity that has been completed.
- l. Indicate types and location of aquatic, wetland, riparian and upland areas.
- m. Indicate stormwater discharge points, including outfalls.
- n. Proposed mitigation design and location.

5. Cross-Sectional View. This drawing illustrates the proposed activity as if it were cut from the side and/or front. Include location of all relevant water lines.

Tidal Waters: Show the Ordinary High, Mean High, and/or Mean Lower Low Water Lines, and/or wetland boundary.

Non-tidal waters: Show the Ordinary High Water Line, and/or wetland boundary. When information is available, include 2-year, 10-year, and 100-year flow lines.

- b. Water depth or tidal elevation at waterward face of project.
- c. Dimensions of the activity or structure, and the distance it extends into the waterbody beyond the Mean High Water Line or the Ordinary High Water Line (Note: This is only relevant to Corps jurisdiction, not State jurisdiction).

- d. Indicate dredge and/or fill grades as appropriate.
- e. Indicate existing and proposed contours and elevations

4. Clearance and Elevations. Applies to Coast Guard Bridge Permits only.

- a. Vertical clearance measured from Mean Higher (tidal waters) or Ordinary High Water (non-tidal water).
- b. Horizontal clearance between piers or pilings.
- c. Bottom elevation of the waterway at the bridge

PHOTOS AND DRAWING For Department of Fish and Game Applicants:

Photographs of the project location and immediate surrounding area should be included.

- Include the locations of any structures proposed (e.g., rip-rap, culverts, or channel clearing) that will be placed, built, or completed in or near the stream, river, or lake.
- Specify the type and volume of materials that will be used.
- If water will be diverted or drafted, specify the purpose or use.

Enclose diagrams, drawings, plans, and/or maps that provide all of the following: site specific construction details; the dimensions of each structure and/or extent of each activity in the bed, channel, bank or floodplain; an overview of the entire project area (i.e., "bird's-eye view") showing the location of each structure and/or activity, significant area features, and where the equipment/machinery will enter and exit the project area.



USEFUL DEFINITIONS

USEFUL DEFINITIONS IN COMPLETING THE APPLICATION. The following definitions are presented to help applicants in completing the JARPA. They may not necessarily represent specific language from the laws implemented

through JARPA. When a definition is unique to an agency or geographic area, that agency or area is placed in parentheses after the defined word.

Anadramous fish live some or all of their adult lives in saltwater, but migrate to freshwater to reproduce (e.g. salmon).

Aquatic Bedlands (BCDC) means the area waterward of and below the line of navigability on non-tidal rivers and lakes, or below the extreme low tide mark in navigable tidal waters, or below the outer harbor line where a harbor has been created.

Aquatic Shorelands (BCDC) means the shore areas of non-tidal navigable lakes or rivers between the ordinary high water line and the line of navigability unless otherwise established.

Aquatic Tidelands (BCDC) means the area between the ordinary high tide line and extreme low tide line, unless otherwise established.

Basin Plan. The Regional Board is required to develop, adopt (after public hearing), and implement a Water Quality Control Plan (Basin Plan) for the San Francisco Bay region. The Basin Plan is the master policy document that contains descriptions of the legal, technical, and programmatic bases of water quality regulation in the San Francisco Bay region.

The basin planning process drives the Regional Board's effort to manage water quality. The Basin Plan provides a definitive program of actions designed to preserve and enhance water quality and to protect beneficial uses in a manner that will result in maximum benefit to the people of California.

Beneficial uses are uses of the waters of the state that must be protected against quality degradation, domestic, municipal, agricultural and industrial supply; recreation and navigation; and the preservation of rare or endangered fish and wildlife. The Basin Plan lists the Beneficial Uses of waters in the San Francisco Bay Region

Bridge (Coast Guard) means any structure including pipelines and conveyor belts, which transports traffic or materials across a navigable water.

CEQA – California Environmental Quality Act – The act's intent is to develop and maintain a high-quality environment now and in the future, and take all action necessary to protect, rehabilitate, and enhance the environmental quality of the state. CEQA "projects"

are activities that have the potential to have a physical impact on the environment. Where a project requires approvals from more than one public agency, CEQA requires one of these public agencies to serve as the "lead agency." A "lead agency" must complete the environmental review process required by CEQA. The most basic steps of the environmental review process are:

- 1) Determine if the project/ activity is a project subject to CEQA, or exempt;
- 2) If the activity/ project is subject to CEQA and is not categorically exempt, perform an Initial Study to identify the environmental impacts of the project and determine whether the identified impacts are "significant". Based on its findings of "significance", the lead agency prepares one of the following environmental review documents:

- a) **Negative Declaration** if it finds no "significant" impacts;
- b) **Mitigated Negative Declaration** if it finds "significant" impacts but revises the project to avoid or mitigate those significant impacts;
- c) **Environmental Impact Report (EIR)** if it finds "significant" impacts. The purpose of an EIR is to provide State and local agencies and the general public with detailed information on the potentially significant environmental effects which a proposed project is likely to have and to list ways which the significant environmental effects may be minimized and indicate alternatives to the project.

(For further information, see CEQA Guidelines at <http://ceres.ca.gov/ceqa/>)

Coastline/Coastal Zone (Coastal Commission) extends inland anywhere from approximately 500 yards in developed urban areas to five miles in undeveloped areas.

Development (within the Bay or Shoreline Band) (BCDC). Most work, including placing fill, extracting or grading material, making repairs and making a *substantial change in use* of any water, land or structure.

Development (within the Suisun Marsh) (BCDC). On land or under water, the placement of *fill*, or the erection of any solid material or structure; the discharge or disposal of any dredged material or of any gaseous, liquid, solid or thermal waste; grading, removing, dredging, mining, or extracting any materials; change in the density or intensity of use of

land, including subdivision pursuant to the Sub-division Map Act and any other division of land including lot splits; change in the intensity of use of water or in access thereto; construction, demolition, or alteration of the size or dimension of any structure, including any facility of any private, public or municipal utility; and the removal or harvesting of major vegetation for other than for agricultural purposes.

Dredging Any excavation or extraction by hydraulic or mechanical means of material located (1) underwater, (2) in an area subject to tidal action, (3) in a *salt pond*, or (4) in a *managed wetland*. For any project that involves dredging in San Francisco Bay (including San Pablo and Suisun Bays), do NOT use the JARPA form. Instead contact David Dwinell (Corps of Engineers) of the Dredged Material Management Office (DMMO) at (415) 977-8471 for the proper materials and instructions.

Emergency - A situation that poses an immediate danger to life, public health, public welfare, or, in some cases, property.

Endangered/Threatened Species – Species which are Federally or State listed as Endangered or Threatened.

Environmental Impact Report (EIR)– A CEQA document. The purpose of an environmental impact report is to identify the significant effects on the environment of a project, to identify alternatives to the project, and to indicate the manner in which those significant effects can be mitigated or avoided.

Environmental Impact Statement (EIS) - The preparation of EIS' is governed by regulations implementing the [National Environmental Policy Act](#) (NEPA). An EIS provides a full and fair discussion of significant environmental impacts and informs the decision-makers and the public of reasonable alternatives that would avoid or minimize adverse impacts.

Fill (BCDC) is very broadly defined to include (1) solid fill, such as dirt, concrete, wood, and structures. (2) pile-supported fill, such as fixed boat piers and docks, (3) floating fill, such as floating docks, houseboats, and vessels moored for extended periods of time, and (4) structures cantilevered over BCDC jurisdiction.

Fill (Corps) means “any material used for the primary purpose of replacing an aquatic area with dry land or

of changing the bottom elevation of a waterbody” (33 CFR 323.2 (e)).

Fill (RWQCB) Regulated under the authority of the State’s Porter Cologne Water Quality Act, fill includes such activities/projects as outfall, bridges, riprap, abutments, piers, retaining walls, etc.

High Tide Line (Corps) means the line of intersection of the land with the waters of the surface at the maximum height reached by a rising tide. The line encompasses spring high tide and the high tides that occur with periodic significance but do not include storm surges.

Isolated Wetlands include vernal pools, swales, ephemeral or intermittent streams and rivers, desert washes, terminal lakes, desert springs, playa lakes, diked wetlands, and salt ponds.

Managed Wetland (BCDC) Any area adjacent to the Bay which was diked off from the Bay as of November 10, 1966, and used for a duck hunting preserve, game refuge or agriculture.

Mean High Water and Mean Lower Low Water Tidal Elevations at any specific location can be found in tidal data compiled by the United States Department of Commerce, Environmental Science Services Administration, Coast and Geodetic Survey, dated January 24, 1979. Mean lower low water is designated as the 0.0 tidal elevation.

Navigable Waters (Corps) are “those waters of the United States that are subject to the ebb and flow of the tide shoreward to the mean high water mark, and/or are presently used, or have been used in the past, or may be susceptible to use to transport interstate or foreign commerce” (33 CFR 322.2 (a)).

NEPA – National Environmental Protection Act - 1970 (a) The National Environmental Policy Act (NEPA) is our basic national charter for protection of the environment. The NEPA process is intended to help public officials make decisions that are based on understanding of environmental consequences, and take actions that protect, restore, and enhance the environment.

Ordinary High Water Mark or Line (Corps) in non-tidal channels is, generally, the level to which flow rises in an “average” rainfall year. It is “established by the fluctuations of water and indicated by physical

characteristics such as a clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas” (33 CFR 329.11 [1]). (Note: This line defines the upper boundary of Corps jurisdiction, but is not relevant to determining RWQCB or CDFG jurisdiction).

San Francisco Bay (BCDC) is any area within the greater San Francisco Bay up to mean high tide (except in areas of tidal marsh where the San Francisco Bay Conservation and Development Commission jurisdiction extends to 5 feet above mean sea level) and a "shoreline band" that extends 100 feet inland from areas subject to tidal action.

Shorelands or Shoreland areas (BCDC) are those lands extending landward for two hundred feet in all directions as measured on a horizontal plane from the ordinary high water mark; floodways and contiguous floodplain areas landward two hundred feet from such floodways; and all wetlands and river deltas associated with the streams, lakes, and tidal waters which are subject to the provisions of 90.58 RCW.

Shoreline Band (BCDC) is a band that extends 100 feet inland from areas subject to tidal action

Shorelines (BCDC). In open water areas, the mean high tide line, and in marshes, the higher of the mean high tide line or a line five feet above mean sea level.

Sovereign Lands (State Lands Commission) are those public lands of the State received by the State upon its admission to the United States in 1850. Generally these sovereign lands include all ungranted tidelands and submerged lands, beds of navigable

ivers, streams, lakes, bays, estuaries, inlets and straits.

Suisun Marsh management area of the Suisun Bay Conservation and Development Commission (BCDC) is an area of the Suisun Bay Conservation and Development Commission (BCDC) entitled "Bounce Back" managed by BCDC's office in the Department.

Take (USFWS) shoot, wound, list, or take any species of fish, wildlife, or plant, or destroy or remove any species of fish, wildlife, or plant, or conduct" (End:

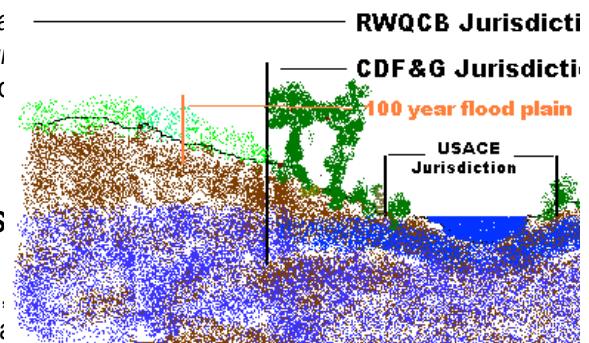
Total Project estimated plan and construction

Waters of the State ground water, surface water, and waters within the boundaries of the State. See diagram below that compares waters of the state regarding water level.

Wetlands (Corps) means "those areas that are inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions" (33 CFR 328.3 (b)).

Wetlands Delineation (Corps) refers to the preparation of a map showing the boundaries of (Corps) jurisdictional wetlands on a given project site. The location of the wetland boundaries is based on documentation of the presence/absence of appropriate vegetation, soils and hydrology. The term also applies to the map itself and the accompanying data sheets.

Simplified "waters" jurisdiction



RWQCB: All surface and groundwater
CDF&G: Surface and ground water to riparian canopy, i.e., "drip line"
USACE: Ordinary high water mark; w



AGENCY MANDATES/FEEES

The following agency descriptions will help you determine to which agencies you should apply, as well as distinguish those agencies which accept the JARPA for permitting review.

Local Government. The city or county in which your property is located has a planning or public works department that permits construction projects. These agencies review projects according to local ordinances as well as for compliance with the California Environmental Quality Act (CEQA). The main purpose of CEQA review is to identify and prevent significant potential environmental impacts from proposed projects. Many City and County governments also have local ordinances pertaining to creeks, baylands, wetlands, and require specific permits for activities occurring in these areas.

Flood control districts are local agencies that maintain flood channel walls, levees and drainage-ways. Any proposed work involving such structures or on property owned by the Flood Control District or where the district has an easement may require further permitting applications. Work that affects the flow of water in the creek or through neighboring property may also require permits from a local Flood Control District. For more information, call your local Planning Department and provide them with the property address and Assessor Parcel Number (APN). Ask for information on flood control districts, and other county agencies that may apply in your area.

CALIFORNIA DEPARTMENT of FISH and GAME (DFG) Fish and Game 's Lake and Streambed alteration website is <http://www.dfg.ca.gov/1600/index.html>. This site has links to the Fish and Game Code, fee schedule, and other important information regarding Fish and Game's purview over aquatic projects. The

Department of Fish and Game (DFG) has revised its' Lake or Streambed Alteration Notification FG2023 form, and now has available forms to request an Amendment and Extension of an existing agreement, and for notifying the Department of emergency alteration work. **The new Lake or Streambed Alteration Notification, Amendment, Extension and Emergency (LSAA) forms are effective July 28, 2006.** Beginning September 1, 2006, notifications, amendments, and extensions must be submitted on the revised forms.

Fish and Game Code section 1602 requires any person, state or local governmental agency, or public utility to notify DFG before beginning any activity that will do one or more of the following:

- 1) substantially obstruct or divert the natural flow of a river, stream, or lake;
- 2) substantially change the bed, channel, or bank of a river, stream, or lake;
- 3) use any material from the bed, channel, or bank of a river, stream, or lake; and/or
- 4) deposit or dispose of debris, waste, or other material containing crumbled, flaked, or ground pavement where it can pass into a river, stream, or lake.

Fish and Game Code section 1602 applies to all perennial, intermittent, and ephemeral rivers, streams, and lakes in the state. If you are not certain that a particular project requires notification, the Department recommends that you notify.

NOTIFYING THE DEPARTMENT

To notify DFG of any of the activities described above, complete the following steps:

Step 1: Complete the JARPA section on Fish and Game.

Step 2: Determine the notification fee by referring to the fee schedule below.

Step 3: Submit JARPA, with all required enclosures and fees to the Department regional office that serves the county where the project will occur.

If DFG determines that a proposed project may substantially adversely affect existing fish or wildlife resources, the applicant will need to obtain a Lake or Streambed Alteration Agreement from DFG and the proposed project, unless it is otherwise exempt, will have to be reviewed in accordance with the California Environmental Quality Act (CEQA). (In most of the nine County San Francisco Bay Area, applicants will have applied to their local agency— a local planning or public works department – preceding or concurrent with the submission of JARPA for compliance with CEQA. However, in rural areas, DFG is sometimes the CEQA permitting lead.)

If you are uncertain about the need for an LSAA, you should contact the Department of Fish and Game's office in Yountville:

Department of Fish and Game
7329 Silverado Trail
Napa, CA 94558
Mail: P.O. Box 47, Yountville, CA 94599
Public Info: (707) 944-5520

DFG Fee Schedule

STANDARD AGREEMENT If the term of the agreement is 5 years or less & if the agreement is any agreement OTHER THAN for gravel, rock, or sand extraction, an agreement for timber harvesting, an agreement for routine maintenance, a master agreement, or a master agreement for timber operations. The fee schedule is as follows for each agreement:

\$200 if the project costs less than \$5,000.
\$250 if the project costs from \$5,000 to less than \$10,000.
\$500 if the project costs from \$10,000 to less than \$25,000.
\$750 if the project costs from \$25,000 to less than \$100,000.

\$1,100 if the project costs from \$100,000 to less than \$200,000.
\$1,500 if the project costs from \$200,000 to less than \$350,000.
\$2,250 if the project costs from \$350,000 to less than \$500,000.
\$4,000 if the project costs \$500,000 or more.

Project cost means the cost to complete each project for which notification is required. As a general rule, a notification for a standard agreement should identify only one project. If an entity chooses to identify more than one project in a single notification, the department may require the entity to separately notify the department for one or more of the projects included in the original notification based on their type or location.

If the notification includes more than one project, the fee shall be calculated by adding the separate fees for each project. For example, if a notification identifies three projects, one of which will cost less than \$5,000 to complete, one of which will cost \$7,500 to complete, and one of which will cost \$17,500 to complete, the fee for the first project would be \$200, the fee for the second project would be \$250, and the fee for the third project would be \$500. Hence, the total fee the entity would need to submit with the notification that identifies those three projects would be \$950.

An entity may not obtain a standard agreement for any project identified in the notification that qualifies for an agreement for gravel, rock, or sand extraction, an agreement for timber harvesting, an agreement for routine maintenance, a master agreement, or a master agreement for timber operations unless the department agrees otherwise.

Fee submittal: If the entity requests an agreement with a term of 5 years or less, the fee specified in the category for agreements with a term of 5 years or less must be submitted with the notification.

If the entity requests an agreement with a term longer than 5 years (Standard Long-term Agreement) the fee specified must be submitted with the notification

Standard Long-Term Agreement. If the entity requests an agreement with a term longer than 5

years (Standard Long-term Agreement) the fee specified must be submitted with the notification. Any agreement other than an agreement for gravel, rock, or sand extraction, an agreement for timber harvesting, an agreement for routine maintenance, a master agreement, or a master agreement for timber operations.

\$2,400 base fee, plus:

\$200 if the project costs less than \$5,000.
\$250 if the project costs from \$5,000 to less than \$10,000.
\$500 if the project costs from \$10,000 to less than \$25,000.
\$750 if the project costs from \$25,000 to less than \$100,000.
\$1,100 if the project costs from \$100,000 to less than \$200,000.
\$1,500 if the project costs from \$200,000 to less than \$350,000.
\$2,250 if the project costs from \$350,000 to less than \$500,000.
\$4,000 if the project costs \$500,000 or more.

Project cost means the cost to complete each project for which notification is required.

As a general rule, a notification for a standard agreement should identify only one project. If an entity chooses to identify more than one project in a single notification, the department may require the entity to separately notify the department for one or more of the projects included in the original notification based on their type or location.

If the notification includes more than one project, the fee shall be calculated by adding the separate fees for each project. For example, if a notification identifies three projects, one of which will cost less than \$5,000 to complete, one of which will cost \$7,500 to complete, and one of which will cost \$17,500 to complete, the fee for the first project would be \$200, the fee for the second project would be \$250, and the fee for the third project would be \$500. Hence, the total fee the entity would need to submit with the notification that identifies those three projects would be \$950.

An entity may not obtain a standard agreement for any project identified in the notification that qualifies for an agreement for gravel, rock, or sand extraction, an agreement for timber harvesting, an agreement for routine maintenance, a master agreement, or a master agreement for timber operations unless the department agrees otherwise.

Fee submittal: If the entity requests an agreement with a term of 5 years or less, the fee specified in the category for agreements with a term of 5 years or less must be submitted with the notification.

If the entity requests an agreement with a term longer than 5 years, the fee specified must be submitted with the notification.

Sand, Rock and Gravel Extraction Agreement Any agreement for commercial or non-commercial mining or extraction of gravel, sand, rock, or other aggregate material.

If the term of the agreement is 5 years or less, the fee is
\$500 if the annual extraction volume is less than 500 cubic yards.
\$1,000 if the annual extraction volume is 500 to less than 1,000 cubic yards.
\$2,500 if the annual extraction volume is 1,000 to less than 5,000 cubic yards.
\$5,000 if the annual extraction volume is 5,000 or more cubic yards.

If the term of the agreement is longer than 5 years:
\$10,000 base fee, plus
\$1,000 annual fee

Fee submittal: If the entity requests an agreement with a term of 5 years or less, the fee specified in the category for agreements with a term of 5 years or less must be submitted with the notification.

If the entity requests an agreement with a term longer than 5 years (Standard Long-term Agreement) the fee specified must be submitted with the notification

Timber Harvesting Operation Agreement

An agreement of five years or less that covers one or more projects that are included in a timber harvesting

plan approved by the California Department of Forestry and Fire Protection.

\$1,200 base fee, plus
\$100 for each project the agreement covers

Fee submittal: The fee specified must be submitted with the notification.

Master Timber Harvesting Operation Agreement.

An agreement with a term of greater than five years that covers timber operations on timberland that are not exclusively projects to extract gravel, sand, or rock; not exclusively projects that are included in a timber harvesting plan approved by the California Department of Forestry and Fire Protection; or not exclusively routine maintenance projects that the entity will need to complete separately at different time periods during the term of the agreement; and describes a procedure the entity must follow for construction, maintenance, or other projects the agreement covers. **Fee:**

\$7,500 base fee, plus
\$100 for each project the agreement covers, and
\$1,000 annual fee

Fee submittal: The base fee specified at a minimum must be submitted with the notification. The balance of all fees due must be paid prior to the issuance of the agreement.

Note: If an entity chooses to identify more than one project in a single notification, the total fee may exceed \$5,000 regardless of the term of the agreement.

Routine Maintenance Agreement

An agreement that covers only multiple routine maintenance projects that the entity will complete at different time periods during the term of the agreement; and describes a procedure the entity must follow for any maintenance projects the agreement covers.

If the term of the agreement is 5 years or less:

\$1,200 base fee, plus
\$100 for each maintenance project completed per calendar year.

If the term of the agreement is longer than 5 years:

\$2,400 base fee, plus
\$100 for each maintenance project completed per calendar year.

Fee submittal: If the entity requests an agreement with a term of 5 years or longer then 5 years, the base fee at a minimum must be submitted with the notification. The balance of all fees due must be paid prior to the issuance of the agreement.

MASTER Agreement

An agreement with a term of greater than five years that covers multiple projects that are not exclusively projects to extract gravel, sand, or rock; not exclusively projects that are included in a timber harvesting plan approved by the California Department of Forestry and Fire Protection; or not exclusively routine maintenance projects that the entity will need to complete separately at different time periods during the term of the agreement; and describes a procedure the entity must follow for construction, maintenance, or other projects the agreement covers.

An example of a project for which the department would issue a master agreement is a large-scale development proposal comprised of multiple projects for which specific, detailed design plans have not been prepared at the time of the original notification. The master agreement will specify a process the department and entity will follow before each project begins and may identify various measures the entity will be required to incorporate as part of each project in order to protect fish and wildlife resources.

As a general rule, the process specified in the master agreement will require the entity to notify the department before beginning any project the agreement covers and submit a fee based on the cost

of the project. After the department receives the notification, it will confirm that the master agreement covers the project and propose measures to protect fish and wildlife resources in addition to any included in the master agreement, if such measures are necessary for the specific project.

A master agreement will typically, but not always, encompass one or more watersheds and/or relate to a habitat conservation plan or natural community conservation plan. By contrast, if the large-scale development proposal is comprised of, for example, multiple residences, golf courses, and associated infrastructure projects for which specific, detailed design plans have been prepared by the time the entity notifies the department and the entity is ready to begin those projects, the department would issue the entity a standard agreement.

\$30,000 base fee, plus:
\$250 for each project the agreement covers, and
\$2,500 annual fee

Agreement Extension

A renewal of an agreement executed prior to January 1, 2004, or an extension of an agreement executed on or after January 1, 2004. To request an extension for an existing agreement, complete an Extension Request Form, and submit to the appropriate DFG Regional office with the appropriate fee. An extension request must be made prior to expiration date of the agreement. An extension is not an amendment. **Fee:** \$200

Agreement Amendment

The holder of a Lake or Streambed Alteration Agreement may request the Department to amend the agreement, provided the request is submitted to the Department in writing prior to the agreement's expiration.

Minor Amendments. A minor amendment is one that would not significantly modify the scope or nature of any project covered by the agreement or any measure

included in the agreement to protect fish and wildlife resources. **Fee:** \$150.

Major Amendments. A major amendment is one that would significantly modify the scope or nature of any project covered by the agreement or any measure included in the agreement to protect fish and wildlife resources, or require additional environmental review pursuant to section 21000 et seq. of the Public Resources Code or section 15000 et seq. of Title 14 of the California Code of Regulations. An amendment is not an extension. A project may not be added to an agreement by amendment unless the agreement specifies otherwise. To request an amendment for an existing agreement, complete an Amendment Request Form, and submit to the appropriate DFG Regional office with the appropriate fee. **Fee:** \$500.

CEQA Lead. If the Department of Fish and Game is acting as lead agency under CEQA, permittees are also required to submit the following additional fees. A deposit of \$1,500 must be submitted with the notification. Additional deposits will be requested as needed. The department shall refund any unused deposit to the entity.

STATE and REGIONAL WATER RESOURCES CONTROL BOARDS.

In 1967, the California Legislature established the State Water Resources Control Board (State Board) and the nine Regional Water Quality Control Boards. The State Board administers the State's water quality, water pollution control, and water rights functions as part of the California Environmental Protection Agency. The State Board provides policy guidance and budgetary authority to the Regional Water Quality Control Boards, which conduct planning, permitting, and enforcement activities. The joint action of the State Board and the Regional Boards constitute a comprehensive program for managing water in California.

STATE WATER RESOURCES CONTROL BOARD, DIVISION of WATER RIGHTS (SWRCB) The goal of the State Board is to assure that California water resources are put to maximum beneficial use and that the best interests of the public are served. In granting water rights, therefore, the State Board must determine under what conditions water may be taken and used.

Any persons or agencies intending to take water from a creek for storage or direct use on non-riparian land must first obtain a Water Right Permit by filing an application with the Division of Water Rights. At this time, the Division of Water Rights is not accepting the JARPA.

If you are uncertain whether you need a permit or have questions about your present use of water, call the Board's Division of Water Rights at (916) 657-2170 or view their website <http://www.waterrights.ca.gov>

San Francisco Bay Area Regional Water Quality Control Board (RWQCB, Regional Board) located in Oakland at 1515 Clay Street, 510-622-2300, (<http://www.waterboards.ca.gov/sanfranciscobay/>) issues permits for activities in waters of the State under the authority of both federal and State laws. For projects that impact waters of the U.S. (e.g., projects that require permits under Section 404 of the Clean Water Act or Section 10 of the Rivers and Harbors Act), the RWQCB issues Clean Water Act Section 401 Water Quality Certifications (often referred to as "certifications"). The Certification certifies that the federal permit will not violate State water quality standards. Most certifications have additional requirements beyond those imposed by the federal permits. For activities involving the discharge of "fill" (e.g., outfall, bridges, riprap, abutments, piers, retaining walls, etc.) to waters of the State, the RWQCB issues Waste Discharge Requirements (WDRs), under the authority of the State's Porter Cologne Water Quality Act. Every Certification issued by the RWQCB is issued concurrently with WDRs. Projects that are outside of federal jurisdiction, received only WDRS.

Waters of the state are defined as any surface water or groundwater, including saline waters, within the boundaries of the state. Examples include but are not limited to rivers, streams, lakes, bays, marshes, mudflats, unvegetated seasonally ponded areas, drainage swales, sloughs, wet meadows, natural ponds, vernal pools, diked baylands, seasonal wetlands, isolated wetlands, and riparian woodlands.

Any project that proposes to fill or otherwise physically alter creeks, wetlands, or other waters requires a permit.

Federal Clean Water Act Section 401 Certification

The Federal Clean Water Act, in Section 401, specifies that states must certify that any activity subject to a permit issued by a federal agency, such as the Corps, meets all state water quality standards. In California, the State Board and the regional boards are responsible for taking certification actions for activities subject to any permit issued by the Corps pursuant to Section 404 (or for any other Corps' permit, such as permits issued pursuant to Section 10 of the Rivers and Harbors Act of 1899). Such certification actions, also known as 401 certification or water quality certification, include issuing a 401 certification that the activity subject to the federal permit complies with state water quality standards, issuing a 401 certification with conditions, denying 401 certification, or denying 401 certification without prejudice, should procedural matters preclude taking timely action on a 401 certification application. Should 401 certification be denied, the federal permit is deemed denied also. Once it has received a complete application for 401 certification, the state must act on the application within 60 days, although it may request additional time to act from the Corps, up to one year.

Regional boards or their executive officers may issue 401 certifications. The State Board issues 401 certifications for projects that will take place in two or more regions. The regulations governing California's issuance of 401 certifications were updated in 2000, and are contained in Sections 3830 through 3869 of Title 23 of the California Code of Regulations. They are posted on the State Board's website at "http://www.waterboards.ca.gov/water_laws/index.html". Under the current regulations, the state may no longer waive certification.

401 Certification of Nationwide Permits: A nationwide permit (NWP) is a form of the Corps' 404 general permit, which authorizes a category of activities under the Nationwide Permit Program. 401 certification is necessary for all of the Corps' NWPs whether a project proponent must report its activity to the Corps or not. The State Board, by letter dated March 12, 2002, has certified a number of NWPs for

all of California, subject to conditions and notification requirements specified in that letter. Once the Regional Water Quality Control Board has received a complete application for 401 certification, the state must act on an application within 60 days, although it may request additional time to act from the Corps, up to one year.

State Permits - Waste Discharge Requirements

Under California's Porter-Cologne Water Quality Control Act (Porter-Cologne), the regional boards regulate the "discharge of waste" to "waters of the state". All parties proposing to discharge waste that could affect waters of the state must file a report of waste discharge with the appropriate regional board. The regional board will then respond to the report of waste discharge by issuing waste discharge requirements (WDRs) in a public hearing.

Both of the terms "discharge of waste" and "waters of the state" are broadly defined in Porter-Cologne, such that discharges of waste include fill, any material resulting from human activity, or any other "discharge" that may directly or indirectly impact "waters of the state". While all "waters of the United States" that are within the borders of California are also "waters of the state", the converse is not true - "waters of the United States" is a subset of "waters of the state."

It is important to note that, while Section 404 permits and 401 certifications are required when the activity results in fill or discharge directly below the ordinary high water line of waters of the United States, any activity that results or may result in a discharge that directly or indirectly impacts waters of the state or the beneficial uses of those waters are subject to WDRs.

In 2001, the U.S. Supreme Court Case, *Solid Waste Agencies of Northern Cook County vs. U.S. Army Corps of Engineers*, (now commonly referred to as "SWANCC"), ruled that isolated wetlands are not "waters of the United States", are not subject to

section 404 permits or 401 certification, and should be instead regulated under state law. In California, Porter-Cologne is the state law that regulates such waters. The Supreme Court's ruling has no bearing on the Porter/Cologne definition of waters of the State, and the State retains authority to regulate discharges of waste into any waters of the state, regardless of whether the Corps of Engineers has concurrent jurisdiction under section 404.

CEQA While not a water quality permit, CEQA requires that project proponents study and disclose a project's anticipated water impacts and other environmental impacts and specify means to avoid or minimize those impacts. The Regional Board, CDFG, and other State Agencies cannot issue permits for a project until the project has demonstrated compliance with CEQA. Where appropriate, CEQA compliance may be demonstrated by the local lead agency finding that the project is Categorical exempt from CEQA review. For projects that are not Categorical exempt, compliance with CEQA is demonstrated when the lead agency files a Notice of Determination for a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report.

Construction Storm Water Program. Dischargers whose projects disturb 1 or more acres of soil or whose projects disturb less than 1 acre but are part of a larger common plan of development that in total disturbs 1 or more acres, are required to obtain coverage under the General Permit for Discharges of Storm Water Associated with Construction Activity (Construction General Permit, 99-08-DWQ). Construction activity subject to this permit includes clearing, grading and disturbances to the ground such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility. Applicable forms may be downloaded at http://www.waterboards.ca.gov/stormwtr/gen_const.html

**WATER QUALITY CERTIFICATION FEE SCHEDULE (For RWQCB)
Effective November 2004**

23 CCR §2200 (a)(2) - Dredge and Fill Operation fees shall be assessed as follows, not to exceed \$40,000, plus applicable surcharge(s)¹.

A fee calculator is available: <http://www.waterboards.ca.gov/sanfranciscobay/certs.htm>

Type of Discharge	Fees
(i) Fill & Excavation ² Discharges. Size of the area as expressed in hundredths of acres (0.01 acre) (436 square feet) rounded up.	\$500 Base Price + (Discharge area in hundredths of an acre x \$21.50)
(ii) Dredging Discharges Dredge volume expressed in Cubic Yards.	\$500 Base Price + (Dredge volume in cubic yards x \$0.08)
(iii) Channel and Shoreline Discharges Includes linear discharges to drainage features and shorelines, e.g., bank stabilization, revetment and channelization projects. (Note): The fee for channel and shoreline linear discharges will be assessed under the "Fill and Excavation" or "Channel and Shoreline" schedules, whichever results in the higher fee.	\$500 Base Price + (Discharge length in feet x \$5.00)
(iv) Discharges to Non-federal (e.g. "Isolated") Waters. Discharges to waters or portions of waterbodies not regulated as "waters of the United States", including waters determined to be "isolated" pursuant to the findings of <i>Solid Waste Agency of Northern Cook County v. U.S. Army Corps of Engineers</i> (2001) 121 S. Ct. 675.	Double the applicable fee schedules except for (vi) restoration projects
(v) Low Impact Discharges. Projects may be classified as low impact discharges if they meet all of the following criteria: 1. The discharge size is less than all of the following: (a) for fill, 0.1 acre, and 200 linear feet, and (b) for dredging, 25 cubic yards. 2. The discharger demonstrates that:(a) all practicable measures will be taken to avoid impacts, (b) where unavoidable temporary impacts take place, waters and vegetation will be restored to pre-project conditions as quickly as practicable, and (c) where unavoidable permanent impacts take place, there will be no net loss of wetland, riparian area, or headwater functions, including onsite habitat, habitat connectivity, floodwater retention, and pollutant removal. 3. The discharge will not do any of the following: (a) directly or indirectly destabilize a bed of a receiving water, (b) contribute to significant cumulative effects, (c) cause pollution, contamination, or nuisance, (d) adversely affect candidate, threatened, or endangered species, (e) degrade water quality or beneficial uses, (f) be toxic, (g) include "hazardous" or "designated" material. 4. Discharge is to a waterbody regulated as "Waters of the United States".	\$500 Flat fee.
(vi) Restoration Projects. Projects funded or sponsored by a government program with the primary purpose of restoring or enhancing the beneficial uses of water. This schedule does not apply to projects required under a regulatory mandate or to projects undertaken primarily for some other non-restorative purpose, e.g., land development.	\$500 Flat fee
(vii) General Orders. Projects which are required to submit notification of a proposed discharge to the State and/or Regional Board as a condition of compliance with a general waste discharge requirement associated with permitting discharges authorized by a federal general permit or license, e.g., a U.S. Army Corps of Engineers nationwide permit.	\$60 Flat Fee

- ¹ When a single project includes multiple discharges within a single dredge and fill fee category, the fee for that category shall be assessed based on the total area, volume, or length of discharge (as applicable) of the multiple discharges. When a single project includes discharges that are assessed under multiple fee categories, the total fee shall be the sum of the fees assessed under each applicable fee category; however a \$500 base fee, if required, shall be charged only once.
- ² “Excavation” refers to moving sediment or soil in shallow waters or under no-flow conditions where impacts to beneficial uses are best described by the area of the discharge. It typically is done for purposes other than navigation. Examples include trenching for utility lines, other earthwork preliminary to construction, removing sediment to increase channel capacity, and aggregate mining in fresh waters.
- An application cannot be considered complete without the initial deposit of \$500.
- Any certification action is not effective until payment of the required total fee.
- All fees should be made payable to and submitted to the Regional Water Quality Control Board at the above address, attention: 401 Certifications.
- **A fee calculator is available: <http://www.waterboards.ca.gov/sanfranciscobay/certs.htm>**

San Francisco Bay Conservation and Development Commission (BCDC)

The San Francisco Bay Conservation and Development Commission’s main goals are to prevent unnecessary filling of the Bay, promote appropriate water-oriented shoreline development, protect Suisun Marsh, and provide maximum public access to the Bay. Any person proposing to fill, extract materials, or change the use of water, land, or structures in or around San Francisco Bay must first obtain a permit from the San Francisco BCDC. Fill (see definitions section) includes solid, pile-supported and floating fill, such as dirt, boat piers, houseboats and cantilevered structures. BCDC’s permit jurisdiction includes San Francisco Bay and a “shoreline band” that extends 100 feet inland from areas subject to tidal action. BCDC also has jurisdiction over salt ponds, managed wetlands, and certain other waterways. If your project is near the mouth of any creek flowing into the San Francisco Bay, check with BCDC to find out if they have purview. BCDC also issues permits for activities under the Suisun Marsh Preservation Act. BCDC issues three main types of permits:

- **Regionwide & Abbreviated Regionwide Permit.** *Routine maintenance* work that qualifies for approval under an existing Commission regionwide, or abbreviated regionwide, permit can be authorized in a very short period of time by the Commission’s executive director without Commission review or a public hearing.
- **Administrative Permit.** An administrative permit can be issued for an activity that qualifies as a *minor repair or improvement* in a relatively short period of time and without a public hearing on the application. Although an administrative permit application can be processed quickly, the proposed project must be reviewed against the same policies that are used to determine whether a major permit can be approved.
- **Major Permit.** A major permit is issued for work that is more extensive than a minor repair or improvement. A public hearing is held on an application for a major permit and the application may be reviewed at hearings held by the engineers and designers who advise the Commission.
- **Emergency Permit.** These permits can be issued as needed or appropriate.

BCDC Fees and Times to Process vary according to permit and project complexities:

- Abbreviated Regionwide Permit - \$220
 - Regionwide Permit - \$450
 - First Time Extension for any permit - \$220
 - Non-material Amendment to permit, including Subsequent Time Extension - \$450
 - Material Amendment to permit - Same as for first time application
 - Material Amendment to application - Seventy-five percent(75%) of original application fee
 - Emergency Permit - Same as for project as if not an emergency
 - Minor Permit with a total project cost (TPC) of:
 - (1) less than \$300,000 - \$670
 - (2) \$300,000 to \$10 million - 0.22% of TPC*
 - (3) more than \$10 million - \$22,400
 - Major Permit with a total project cost (TPC) of:
 - (1) less than \$250,000 - \$1,100
 - (2) \$250,000 to \$10 million - 0.45% of TPC*
 - (3) more than \$10 million - \$44,800
- * = Total Project Costs

Phone (415) 395-3600 for more information. Or, visit: <http://www.bcdc.ca.gov/media/forms/appfees20061000.pdf>

California State Lands Commission (SLC). The State Lands Commission has jurisdiction and management control over the state's sovereign lands, including all ungranted tidelands and submerged lands, beds of navigable rivers, streams, lakes, bays, estuaries, inlets and straits. The Commission's Land Management Division in Sacramento administers the surface leasing of these lands, sand and gravel extraction from these lands, and dredging or disposal of dredged material on these lands. It evaluates an applicant's legal status, the property in question, and the specifics of a project. The agency charges a \$25.00 application filing fee, and requires cost reimbursement for staff time to process leases or permits, typically \$600 to \$10,000. (916) 574-1862.

The U.S. Army Corps of Engineers (Corps). A Corps permit is required if you plan to locate a

structure or discharge dredged or fill material, in waters or navigable waters of the United States. The U.S. Army Corps of Engineers has been regulating activities in the nation's waters since 1890. Until the 1960's the primary purpose of the regulatory programs was to protect navigation. Since then, as a result of laws and court decisions, the program has been broadened so that it now considers the full public interest for both the protection and utilization of water resources. The regulatory authorities and responsibilities of the Corps of Engineers are based on the following laws:

Section 10 of the Rivers and Harbors Act of 1899 - Prohibits the obstruction or alteration of navigable waters of the United States without a permit from the US Army Corps of Engineers.

Section 404 of the Clean Water Act (33 U.S.C 1344) - Section 301 of this Act prohibits the discharge of dredged or fill material into waters of the United States without a permit from the Corps of Engineers.

Other laws may also affect the processing of applications for Corps of Engineers permits. Among these are the National Environmental Policy Act, the Coastal Zone Management Act, the Fish and Wildlife Coordination Act, the Endangered Species Act, the National Historic Preservation Act, the Deepwater Port Act, the Federal Power Act, the Marine Mammal Protection Act, the Wild and Scenic Rivers Act, and the National Fishing Enhancement Act of 1984.

WATERS OF THE UNITED STATES Waters of the United States are administratively defined as:

- the traditional "navigable water of the United States" including adjacent wetlands
- all interstate waters including interstate wetlands
- all other waters such as interstate lakes, rivers, streams (including intermittent streams), prairie potholes, mudflats, playa lakes, etc.;
- all impoundments of these waters

- tributaries of the above listed waters
- wetlands adjacent to the above waters
- arroyos

Section 404 permits are required for construction activities in these waters. Navigable waters of the United States are defined as waters that have been used in the past, are now used or susceptible to use as a means to transport interstate or foreign commerce up to the head of navigation.

Section 10 and/or Section 404 permits are required for construction activities in these waters. Wetlands are areas inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

Ordinary High Water Mark - The landward regulatory limit for non-tidal waters (in the absence of adjacent wetlands) is the ordinary high water mark. The ordinary high water mark is the line on the shores established by the fluctuations of water and indicated by physical characteristics such as a clear, natural line impressed on the bank; shelving; changes in the character of the soil; destruction of terrestrial vegetation; the presence of litter and debris; or the appropriate means that consider the characteristics of the surrounding areas.

Note that no Corps authorization is valid without Section 401 Water Quality Certification from the Regional Water Quality Control Board, and, if applicable, from the Bay Conservation and Development Commission or the Coastal Commission. In addition, projects that will have impacts to Federally Listed Endangered or Threatened Species or critical habitat within the project area will require a “take” permit from the U.S. Fish and Wildlife Service. (This “take” permit is usually included as a component of completion of Corps consultation with

USFWS, however, additional processing time may be required.)

The Corps has two main permit types:

- ◆ **Nationwide Permits** - Nationwide general permits (NWP) ([33 CFR Part 330, Appendix A.](#)) are designed to cover types of activities that occur across the country, and, if certain conditions are met, are considered to result in minimal impacts to aquatic resources in Corps jurisdiction. These permits are issued by the Chief of Engineers through the Federal Register rulemaking process, but verification of qualification may be required from the local Corps District. Each NWP has its own requirements and there are General Conditions with which all NWP permittees must comply. Therefore, **it is important to read the specific description of any NWP for which an application is being submitted, as well as the General Conditions.**

There is **no fee** for verification of qualification for a NW permit.

- ◆ **Individual Permits** – An Individual Permit may be required for any project that does not qualify for a NW permit. This type of permit requires preparation of a Public Notice (with a 30-day comment period) and a more extensive public interest review.

A **\$10.00 fee** will be charged when the proposed work is non-commercial and a **\$100.00 fee** will be charged when the proposed work is commercial or industrial in nature.

If you have questions, want to obtain a permit application packet, information describing the regulatory program, or want to request a pre-application consultation meeting, contact the San Francisco District regulatory office. Phone (415) 977-8461.

If your project involves dredging call 415-977-8471 – David Dwinelle, Army Corps of Engineers to use the DMMO form instead of JARPA.

U.S. Fish and Wildlife Service (USFWS) The mission of the U. S. Fish and Wildlife Service is to conserve, protect and enhance fish and wildlife, and their habitats, throughout the nation. The

agency reviews and comments on **permit proposals** pursuant to the Fish and Wildlife Coordination Act, the Clean Water Act, California Environmental Quality Act (CEQA), the Endangered Species Act and the National Environmental Policy Act (NEPA). The Service's comments focus on the effects of projects on all non-marine fish and wildlife resources and the habitats that support those resources.

Through Section 9 of the Federal Endangered Species Act (Act), the "taking" of any threatened or endangered species or its habitat is prohibited without first obtaining "take" permission. If there is another Federal Agency involved (e.g. as in a Corps permit), then exemption from the "take" provisions of the Act can be achieved through what is called a Section 7 consultation. The length of time to complete the permitting process depends on the complexity of issues involved (e.g., the number of species) and the completeness of the documents submitted by the applicant. If there is no Federal involvement, a Habitat Conservation Plan, or permit pursuant to Section 10 of the Act is required. Phone (916) 979-2710.

National Marine Fisheries Service (NMFS).

Under section 10(a)(1)(B) of the Endangered Species Act of 1973 (ESA), the National Marine Fisheries Service's mission is to conserve living marine resources while managing their use for the greatest benefit to the nation. NMFS has the primary responsibility for maintaining the health and productivity of marine, estuarine and anadromous fish and shellfish, as well as for marine mammals. NMFS reviews projects under the Magnuson Fishery Conservation and Management Act, the Fish and Wildlife Coordination Act and many other acts. In the case of the San Francisco Bay Area, a project that takes place in an area where salmon or other endangered fish (e.g., steelhead trout) spawn

would require NMFS review. Phone (707) 578-7513.

The United States Environmental Protection Agency (EPA).

The Environmental Protection Agency is responsible for implementing federal laws designed to protect air, water and land. U.S. EPA is a consulting agency to the Corps of Engineers in reviewing permit applications (particularly in regard to ensuring compliance with the the National Environmental Protection Act) and oversees the regulatory activities of the Army Corps of Engineers on a programmatic level. US EPA charges no review fees. The State of California is within EPA Region IX. Phone (415) 744-1500

US Coast Guard.

The United States Coast Guard's general mission is to protect life and property at sea, and the marine environment. The Corps has designated the Coast Guard to review discharges of dredged or fill material incidental to the construction of bridges across navigable waters of the United States in conjunction with Coast Guard bridge permits. Causeways and approach fills are reviewed by the Corps. Phone (510) 437-3073.