

# Overview of Biological Permits



For questions or concerns regarding biological resources and permits, contact:

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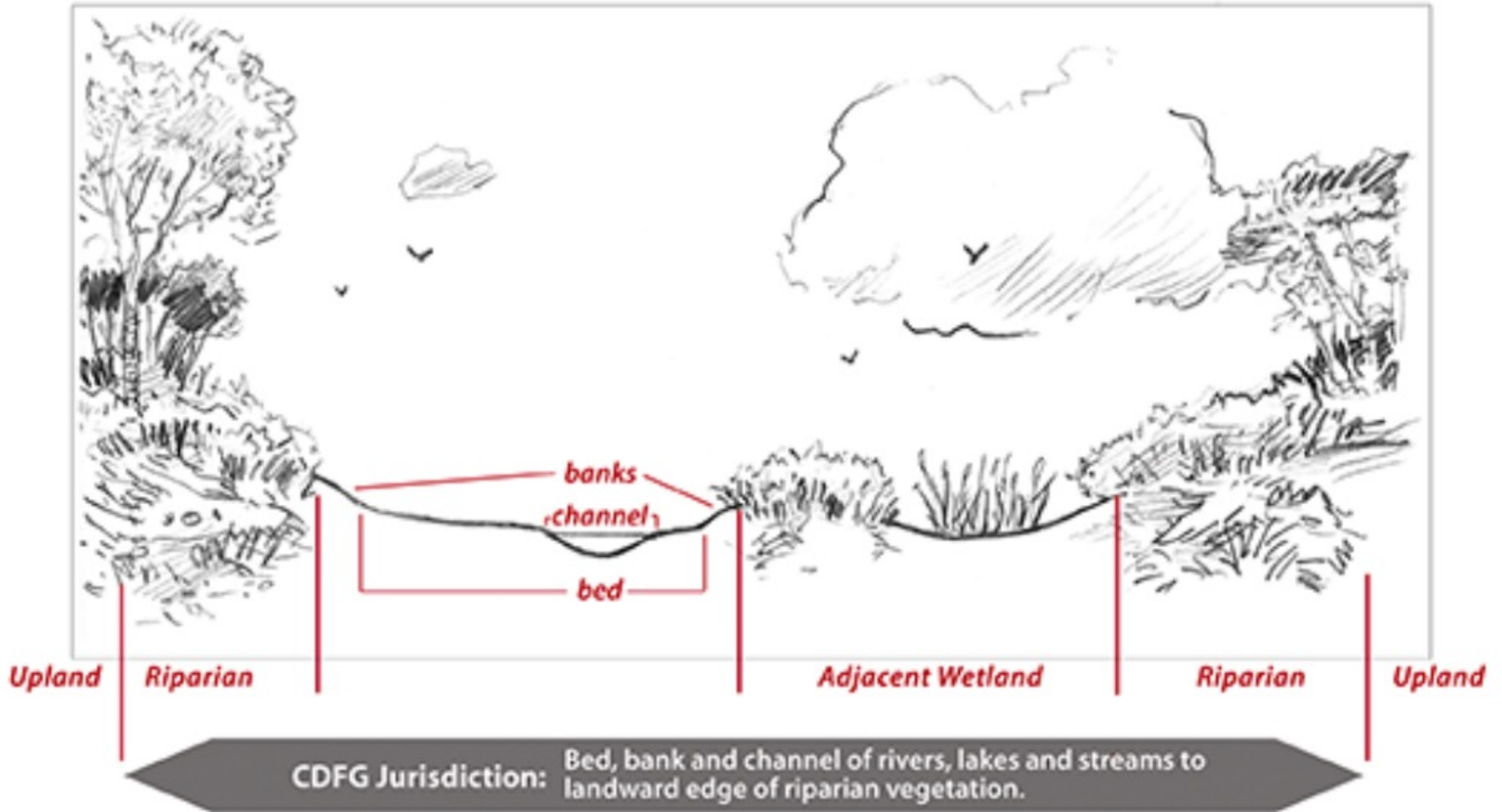
# Are Permits Needed?

Will the project impact jurisdictional areas?

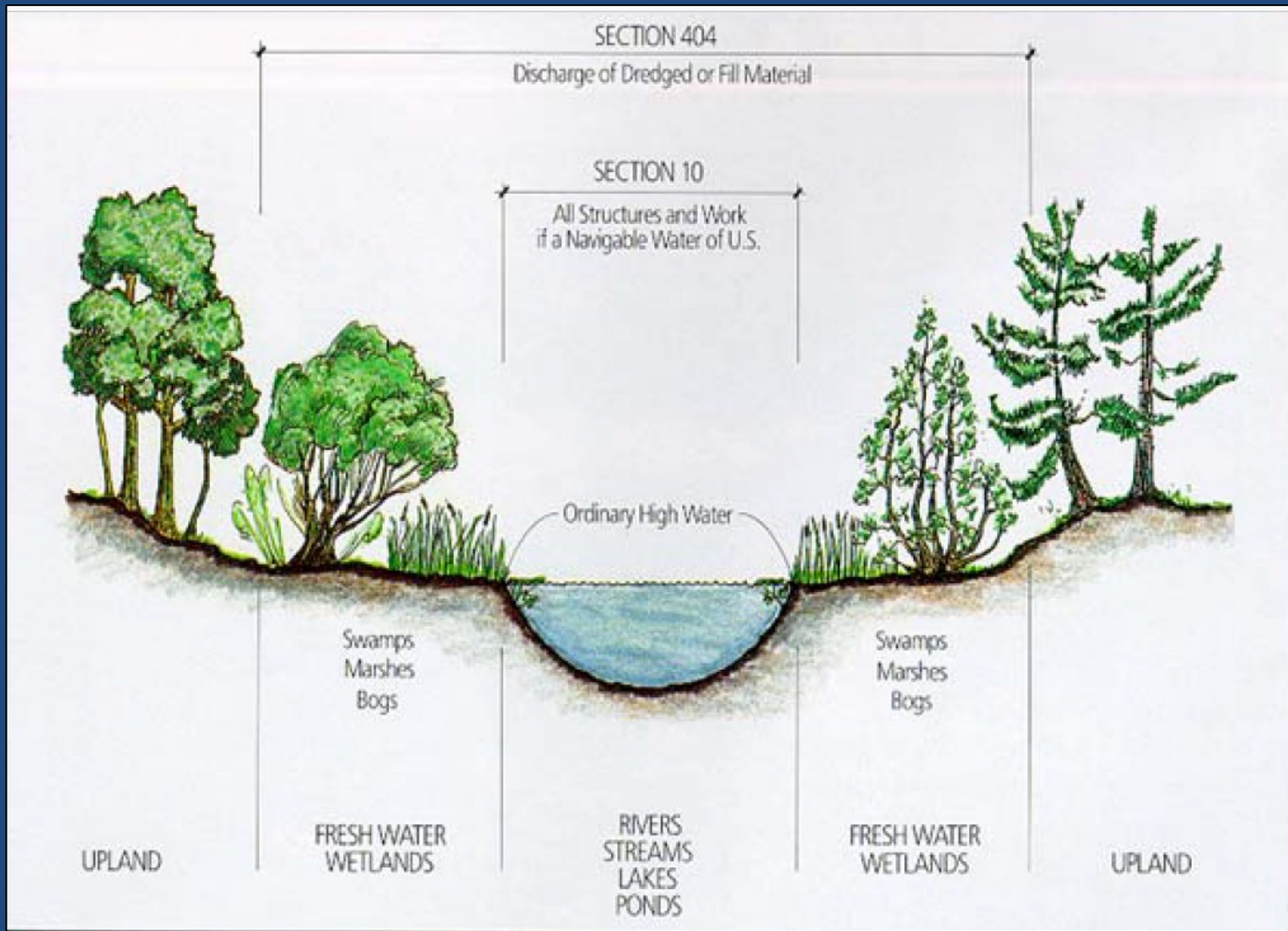
Which resource agencies would have their jurisdictional areas impacted?

What are the permanent and temporary impacts to jurisdictional areas and biological resources within those areas?

# CA Department of Fish and Wildlife

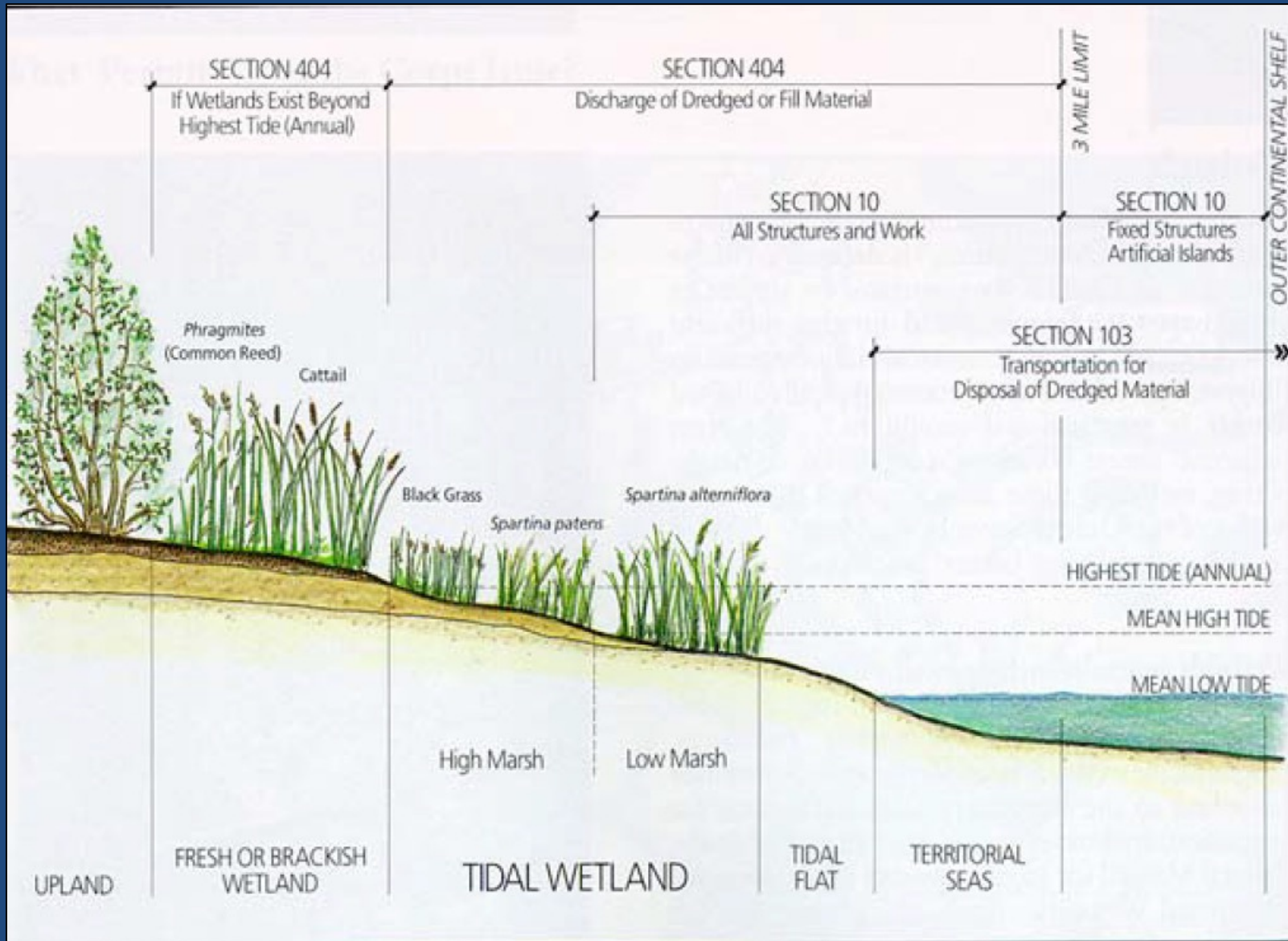


# U.S. Army Corps of Engineers and Regional Water Quality Control Board (Fresh Waters)



Corps of Engineers Regulatory Jurisdiction in **FRESH WATERS**

# USACE and RWQCB (Tidal Waters)



# Isolated Wetlands



Photo Source: [www.science.org](http://www.science.org)

- Isolated wetlands are also considered jurisdictional waters
- Methods for determining if qualifies as a wetland require knowledge of wetland plants, hydrology, and soil

# Porter-Cologne Act

- Some situations where a waterway doesn't qualify as a "Water of the United States" under the Clean Water Act but does qualify as a "Water of the State" under the Porter-Cologne Act.
- No 401/404 Certifications are required, but a Waste Discharge Requirement from the RWQCB is required unless otherwise exempt
- Most common situations tend to be small, artificial drainages not connected to traditionally navigable waters



# Application Process

- CDFW: Submit 1600 application at <https://EPIMS.wildlife.ca.gov>, mail in check for application fee to CDFW office
- RWQCB: Submit 401 application to staff electronically, mail in check for application fee to RWQCB office
- USACE: Submit 404 application electronically to staff, no fee for permits with USACE
- \*\*RWQCB requires a pre-application meeting at least 30 days before application submittal, but it is highly encouraged to do a pre-application meeting with all the agencies.

# Permit Application Tips

- Meet early and often with resource agencies
- Organize a site visit as early as possible, preferably prior to application submittal
- Work with your design, stormwater, landscaping, etc. specialists to fill out EVERY question and section in the applications and provide as much detail as possible
- When in doubt, always check with the relevant agency to help answer your permit application and jurisdiction questions

# Other Misc. Permits

- Section 408 and Section 10 permits from USACE
- Consultation with U.S. Fish and Wildlife Service and National Marine Fisheries Service for potential impacts to endangered species or designated critical habitat
- Incidental Take Permits from USFWS, NMFS, and CDFW for impacts to endangered species
- Coastal Development Permit – unless an exemption applies, projects in the Coastal Zone require a CDP from the CA Coastal Commission

# Questions?

