

# Sustainable Conservation's **ESSENTIAL GUIDE** for Accelerated Restoration Permitting

Agency/ Authority	Permit/ Approval	Project Size Limits	Activities Covered	Location	Benefits/ Details
California Environmental Quality Act (CEQA)	<a href="#">Categorical Exemption 15333* - Small Habitat Restoration Projects</a> and <a href="#">15304 – Minor Alterations to Land</a>	<ul style="list-style-type: none"> <li>• ≤ 5 acres for Sec. 15333</li> <li>• No acreage limit for Sec. 15304</li> </ul>	<ul style="list-style-type: none"> <li>• Fish, plant, and wildlife habitat restoration.</li> <li>• Minor alterations to land, water, and/or vegetation.</li> </ul>	Statewide	<ul style="list-style-type: none"> <li>• Faster/lower cost alternative to preparing a CEQA document (e.g., Initial Study/Negative Declaration)</li> <li>• CEQA lead agency must file a Notice of Exemption (e.g., state or local government, Resource Conservation District, etc.)</li> <li>• Per <a href="#">Sec. Crowfoot's 1/7/21 memo</a>, the presence of endangered, rare, or threatened species, or the use of mechanized equipment, respectively, does not preclude the use of CatEx 15333 per se.</li> </ul>
	<a href="#">State Water Resources Control Board Program Environmental Impact Report (PEIR) – Statewide Restoration General Order (SRGO)*</a>	For projects exceeding size limits for Categorical Exemption 15333 - Small Habitat Restoration Projects (see above)	Aquatic and riparian habitat restoration and related water quality improvement projects; may include multiple benefits (e.g., recreation, groundwater recharge, flood protection) if the overall project meets the definition of a restoration project in the General Order	Statewide	<ul style="list-style-type: none"> <li>• Can utilize PEIR to help with CEQA compliance for projects within its scope; reduced effort for CEQA compliance</li> <li>• See <a href="#">Figure 1-2 CEQA Process Flow Chart</a> for a summary of how the PEIR can be used</li> <li>• CEQA lead agency must file a Notice of Determination</li> <li>• This PEIR can be used even if you are not using the SRGO, as long as your project meets the definition of a restoration project in the SRGO.</li> </ul>
	<a href="#">Statutory Exemption for Restoration Projects (SERP)</a> Administered by California Department of Fish & Wildlife (CDFW)	No size limits	Projects that exclusively conserve, restore, protect, or enhance, and assist in the recovery of fish and wildlife, and habitat upon which they depend or that restore or provide habitat for fish and wildlife	Statewide	<ul style="list-style-type: none"> <li>• Faster/lower cost alternative to preparing a CEQA document, for projects that don't qualify for a categorical exemption (see above)</li> <li>• The CEQA Lead Agency must first determine independently that the SERP qualifying criteria apply and then seek concurrence from the CDFW Director</li> <li>• The CEQA Lead Agency may contact <a href="mailto:restorationpermitting@wildlife.ca.gov">restorationpermitting@wildlife.ca.gov</a> to discuss whether SERP or SRGO PEIR is the best pathway for your project</li> </ul>

\* Sustainable Conservation provided technical assistance on the development of this or earlier versions of this authorization.

\*\*This table with hyperlinks to permits/authorizations can also be found at [suscon.org/technical-resources](https://suscon.org/technical-resources).

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State Water Resources Control Board (SWRCB)	<a href="#">401 Water Quality Certification for Small Habitat Restoration Projects</a>	≤ 5 acres and 500 cumulative linear feet of stream segment or coastline	Aquatic and riparian habitat restoration and related water quality improvement projects	Statewide	<ul style="list-style-type: none"> <li>• Faster/simpler process compared to standard individual 401 Water Quality Certification; coordinated with CDFW's HREA authorization (see below)</li> <li>• Must be eligible for CEQA categorical exemption 15333 (see above) but other CEQA compliance can be used</li> </ul>
	<a href="#">Statewide Restoration General Order (SRGO)*</a>	For projects exceeding size limits for Small Habitat Restoration Projects 401 Water Quality Certification (see above)	Aquatic and riparian habitat restoration and related water quality improvement projects; may include multiple benefits (e.g., recreation, groundwater recharge, flood protection) if the overall project meets the definition of a restoration project in the General Order	Statewide	<ul style="list-style-type: none"> <li>• Faster/more efficient process compared to standard individual 401 Water Quality Certification/WDRs</li> <li>• Protection measures are coordinated with USFWS and NMFS Restoration Programmatic Biological Opinions, (see below)</li> <li>• Copy <a href="mailto:jessica.nadolski@waterboards.ca.gov">jessica.nadolski@waterboards.ca.gov</a> and your USACE permitting contact when submitting your Notice of Intent (NOI) for noticing and informational purposes</li> <li>• The SRGO can be used with the SRGO PEIR for CEQA compliance, or with a different CEQA compliance pathway</li> </ul>
California Department of Fish and Wildlife (CDFW)	<a href="#">Habitat Restoration and Enhancement Act (HREA)*</a>	≤ 5 acres and 500 cumulative linear feet of stream segment or coastline	Aquatic habitat restoration and related water quality improvement projects	Statewide	<ul style="list-style-type: none"> <li>• Faster/simpler process with one single approval from CDFW for 1600 Lake and Streambed Alteration agreement (LSAA) and California Endangered Species Act (CESA): approval in up to 30 days with the SWRCB's Small Habitat Restoration Permit approval first, otherwise up to 60 days</li> <li>• <a href="#">HREA Guidance Document**</a></li> <li>• <a href="#">Training Videos for Applicants**</a></li> <li>• Contact <a href="mailto:restorationpermitting@wildlife.ca.gov">restorationpermitting@wildlife.ca.gov</a> to discuss</li> </ul>

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	<a href="#">Restoration Consistency Determinations (CD)</a>	No size limit	Habitat restoration projects	Statewide	<ul style="list-style-type: none"> <li>• Faster/simpler CESA coverage without financial assurances or full mitigation requirements</li> <li>• Can work in conjunction with the USFWS and NMFS Restoration Programmatic Biological Opinions (see below) and individual biological opinions</li> <li>• Exemption from CESA fees for voluntary habitat restoration projects</li> <li>• For species listed under both CESA and federal ESA</li> <li>• Contact <a href="mailto:restorationpermitting@wildlife.ca.gov">restorationpermitting@wildlife.ca.gov</a> to discuss</li> </ul>
	<a href="#">Restoration Management Permit (RMP)</a>	No size limit	Habitat restoration projects	Statewide	<ul style="list-style-type: none"> <li>• No financial assurance or full mitigation requirements</li> <li>• Consolidates take authorization for CESA-listed, candidate species, and Fully Protected species into a single permit; no application fee</li> <li>• CDFW is exploring the ability to add common species and species of special concern take coverage via the RMP</li> <li>• Contact <a href="mailto:restorationpermitting@wildlife.ca.gov">restorationpermitting@wildlife.ca.gov</a> to discuss</li> </ul>
US Fish and Wildlife Service (USFWS)	<a href="#">Statewide Restoration Programmatic Consultation*</a>	No size limit, but includes annual incidental take limits for each species	Aquatic and riparian habitat restoration and related water quality improvement projects	Statewide	<ul style="list-style-type: none"> <li>• Simplified process: uses an ESA Section 7(a)(2) Review Form, rather than preparation of an individual Biological Assessment/Biological Opinion (BA/BO)</li> <li>• Includes 72 listed species, 40 critical habitat areas</li> <li>• Work with a federal Action Agency and/or your local USFWS Field Office, Coastal, Partners, Refuge, or Fisheries and Aquatic Conservation Program to apply using <a href="#">the ESA Section 7(a)(2) Review Form</a></li> <li>• Simplified <a href="#">post construction requirements</a></li> <li>• Allows for late-arriving federal action agencies</li> </ul>

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National Marine Fisheries Service (NMFS)	NMFS Biological Opinions for the <a href="#">North Coast</a> <a href="#">Central Coast*</a> <a href="#">Central Valley*</a> <a href="#">South Coast*</a>	No size limits, but see limitations on dewatering length/timing	Salmonid habitat and related upland restoration	Areas of anadromy	<ul style="list-style-type: none"> <li>Faster/lower cost process: individual Biological Assessment/Opinion not needed</li> <li>Requires USACE Permit, NOAA Restoration Center (RC) funding, and in the Central Valley, USFWS funding</li> <li>Allows for late-arriving action federal agencies</li> </ul>
California Coastal Commission (CCC)	NOAA Restoration Center Federal Consistency Determinations (CD) for the <a href="#">North and Central Coast*</a> and <a href="#">South Coast*</a>	Linked to NMFS Biological Opinions (see above)	Salmonid habitat and related upland restoration Estuarine and coastal restoration	Entire California Coastal Zone	<ul style="list-style-type: none"> <li>Faster/lower cost alternative to obtaining a Coastal Development Permit (CDP) or individual project CD from the Coastal Commission</li> <li>Use with NMFS Programmatic Biological Opinions for Restoration (see above)</li> </ul>
US Army Corps of Engineers (USACE)	Nationwide Permits (2021 NWP) 27, 33, and 54	No size limits for NWP 27 and 33  NWP 54 - No more than 500 linear feet	<a href="#">NWP 27</a> - Aquatic Habitat Restoration <a href="#">NWP 33</a> - Temporary Construction Access and Dewatering <a href="#">NWP 54</a> - Living Shorelines	Statewide	<ul style="list-style-type: none"> <li>More efficient than obtaining individual Section 10 Rivers and Harbors Act and individual Section 404 Clean Water Act permits</li> <li>The 2021 NWP 27 does not authorize restoration projects that relocate or convert tidal wetlands or waters to other aquatic uses (e.g., converting tidal wetlands into open water impoundments)</li> </ul>
	Regional General Permits (RGPs)	No Size Limits	<a href="#">RGP 16</a> – Anadromous Salmonid Fisheries Restoration <a href="#">RGP 41</a> – Invasive Plant Removal	Sacramento District (RGP 16) and Los Angeles District (RGP 41)	<ul style="list-style-type: none"> <li>Faster/simpler approval process than Nationwide and Individual Permits</li> <li>Efficient way to acquire Section 10 Rivers and Harbors Act and Section 404 of the Clean Water Act permitting</li> </ul>

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

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