

# Environmental permitting for your project: An Introduction

*A step-by-step overview of the  
environmental compliance process*

# Why do I need permits?

- Permits are required at city, county, state, and federal levels to protect people, water quality, wildlife, and areas of other significance
- *This slideshow focuses on state and federal environmental permits*
- *For information on local permits check the city and county you live in.*

In general, you can not decide if a permit applies to you.

The process usually works to alert you to permits needed as you go through the application process.

You CAN design your project to  
better fit the requirements that  
would apply to your project

You CAN be prepared for the  
process

# What do I need to do?

- BE PATIENT. The permit process can be slow.
- Understand the intent of the permits and the permit process
- Learn how to design your project to minimize impacts
- Identify your location including parcel boundaries and easements as well as your project site on a map
- Ask for help
- Develop your project description only after doing all the above

# Understanding the intent of the permits

- CA Dept. of Fish and Game protects the stream areas and nearby habitat for wildlife. They also enforce the California's Endangered Species Act.
- Regional Water Quality Control Board enforces State laws that protect water quality and its uses.

# Understanding the intent of the permits...continued

- Army Corps of Engineers regulate the Federal Clean Water Act and also authorize projects that could impact waterways for navigation
  - National Marine Fisheries Service and the US Fish and Wildlife Service consult on projects through the Federal Endangered Species Act in coordination with the Corps



# Understanding the intent of the permits...last page

- Other project conditions that could result in permits include levees, the coastal and bay zones, as well as historic or archaeological areas

# Construction/Restoration Project Impacts

- No matter where you live in Marin County, you may impact water quality or plants and wildlife. Ditches or wet areas could be wetlands, and small drainages could be classified as creeks, even if they are only wet during heavy rains.
- Typically, you will need professional advice to plan, design, permit, and construct projects.

# Is your project near a creek?

- **Ephemeral creeks** flow only during or immediately after periods of precipitation. They generally flow less than 30 days per year.
- **Intermittent creeks** flow only during certain times of the year. Seasonal flow in an intermittent stream usually lasts longer than 30 days per year.
- **Perennial creeks** flow continuously during both wet and dry times.

**ALL OF THESE ARE CREEKS WHEN DEALING WITH PERMITS**

# In Depth: Creeks

- In addition to blue-line creeks, those identified on USGS maps, creeks are further defined by the regulatory agencies
- DFG identifies creeks using the creek channel and banks. If your creek, no matter how small, has a bed and bank, you may be impacting a creek

# In Depth: Creeks

- The Army Corps uses the term *ordinary high water* defining the area that is usually wet during your average winter flows
- RWQCB regulates all surface and ground water

# Project Impacts: Water Quality

Water quality in creeks and also any surface water leaving your property must be protected through all phases of the project.

YOU DON'T HAVE TO BE NEXT TO A CREEK TO IMPACT WATER QUALITY

# Project Impacts: Water Quality

- ✓ When projects are located near creeks or wetlands, they have conditions to protect water and wildlife resources
- ✓ All construction sites require best management practices to ensure that water quality is maintained on and off the site
- ✓ Stormwater requirements regulate the quality and quantity of water leaving your property. High water quality is the law!

# Project Impacts: Plants or Wildlife

- Rare, threatened, and endangered species have special protections through the State and Federal resource agencies. There are many protected species in Marin County.
- Species and their habitat are protected and require mitigation and additional protections during construction
- Species include wildlife and plants in all types of habitat



# What permits do I need?

- Continue to the next slide show and print out a copy of the checklist to see which agencies will likely have jurisdiction over your project.
- Bay Area residents benefit from a streamlined application known as the Joint Aquatic Resource Permit Application.
- Marin County has monthly Permit Coordination meetings to discuss your project with the regulators and receive feedback. [Click here to see the flyer and sign up.](#)
- Remember: The agencies decide whether or not their permits apply to you. As you have your project reviewed, you will be informed if you've neglected a permit.
- If your project doesn't need a permit, have documentation from the agency that proves you're exempt. You will need to show this documentation to other agencies.

# What is CEQA?

- California Environmental Quality Act requires state and local agencies to identify and respond to cumulative impacts from projects
- Individual project applicants do not have to “apply” for CEQA, but you may be impacted by your agency’s CEQA requirements. You will need to provide information to the agency to comply with CEQA.
- Ask about CEQA as you go through your permit process
- Agency applicants must comply with CEQA for projects. Compliance ranges from exemptions to Environmental Impact Reports (EIRs)