

A Guide to Regulatory Compliance
for
Aquatic and Wetland Enhancement Projects
in
Northern California's Coastal Zone

Prepared for
Pacific Coast Joint Venture
Northern California Component

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I. Introduction

A. Purpose

B. Need

**II. Enhancement Activities:
Northern California's Coastal Zone**

A. Developing temporary access, staging, stockpiling areas

B. De-watering channels or wetlands, discharging water, relocating aquatic species, and/or diverting flow

C. Clearing vegetation

D. Excavating and grading in wetlands or open waters

E. Placing fill and grading in wetlands or open waters

F. Creating muted tide cycle by modifying tidegates, removing tidegates, or breaching dikes

G. Re-locating dikes

H. Converting wetland or open water habitats

I. Installing bank revetment

J. Constructing rock or wood habitat or grade control structures

K. Planting and erecting exclusionary fencing

**III. Environmental Setting Description:
Northern California's Coastal Zone**

A. Topographic survey

B. Hydrologic modeling

C. Vegetative survey

D. Aquatic habitat survey

E. Fish and wildlife surveys

F. Waters of the US/State delineation

- G. Protected species and habitat surveys**
- H. Historical resources and archeological surveys**
- I. Underground utilities record search**

**IV. Regulatory Constraints Commonly Encountered:
Northern California's Coastal Zone**

- A. Federal and California executive orders: "No Net Loss" of wetlands**
- B. Coastal Commission's definition of a wetland**
- C. Fill activities authorized in the coastal zone**
- D. Priority for restoration of marine resources whenever feasible**
- E. Prohibition on take of a listed species**
- F. Prohibition on causing adverse affects to designated critical habitat**

**V. Project Development:
Northern California's Coastal Zone**

- A. Assemble technical team: biologist, hydrologist, geologist, engineer, and environmental planner**
- B. Develop and review engineering designs: 30-60-90%**
- C. Develop hydrologic and vegetative/habitat conversion models**

**VI. Regulatory Authorities and Agency Jurisdictions:
Northern California's Coastal Zone**

- A. Federal**
 - 1. Clean Water Act-Rivers & Harbors Act/US Army Corps of Engineers & State Water Quality Control Board & Regional Water Quality Control Board**
 - 2. Coastal Zone Management Act/California Coastal Commission**
 - 3. Endangered Species Act/US Fish & Wildlife Service & National Marine Fisheries Service**

4. **Magnunson Stevens Fishery and Conservation Act/ National Marine Fisheries Service**
5. **National Historic Preservation Act/State Historic Preservation Office & Tribal Historic Preservation Office & Native American Heritage Commission & California Historical Resources Information Centers**
6. **National Environmental Policy Act/Federal Lead Agency**

B. State

1. **California Coastal Act/California Coastal Commission and/or Counties & Cities**
2. **Porter Cologne Water Quality Control Act/State and Regional Water Quality Control Boards**
3. **California Endangered Species Act/Department of Fish & Game**
4. **Streambed Alteration Program/Department of Fish & Game**
5. **Public Trust Doctrine-Sovereign Lands/State Lands Commission and/or Humboldt Bay Harbor, Recreation, and Conservation District**
6. **California Environmental Quality Act/State or Local Lead Agency**

C. Local

1. **California General Plan & Zoning Laws/County or City**
2. **National Flood Insurance Program/County or City**

VII. New and Emerging Regulatory Issues

A. Climate Change Impact Assessments

1. **Assess Project Impact on Greenhouse Gas Emission: Carbon Sequestration and Methane Emissions**
2. **Assess Project Vulnerability from Sea Level Rise: 16 -20 inches by 2050 and 55 inches by 2100, 3 foot minimum and 6 foot maximum in 100 years**

B. New Endangered Species Listing

C. NMFS/USFWS River Restoration Project (ESA) Review Analysis

- D. SWRCB's Revised Storm Water Pollution Prevention Plan Requirements**
- E. SWRCB's Wetlands and Riparian Area Protection Policy and Dredge Fill Regulations**
- F. SWRCB's Aquatic Biological (Numeric) Objectives**
- G. Coastal Sediment Management Workgroup's (California Resources Agency and USACE) Sediment Master Plan**