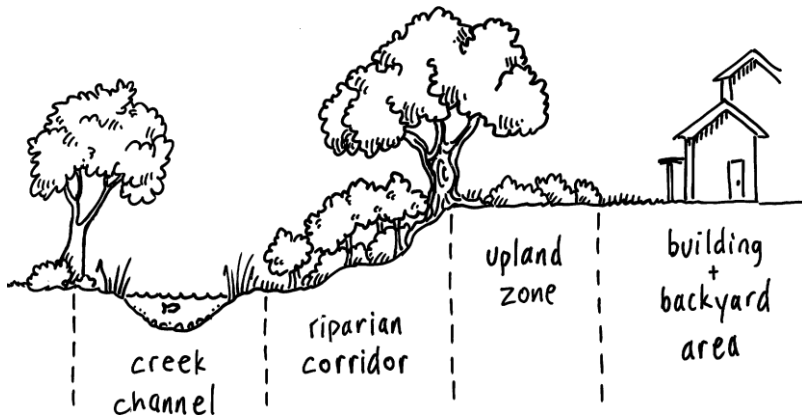


# Marin County Guide to Creek and Wetland Permits

**Work in or near a Creek, Drainage, Wetland, Pond, Bay, or any Waterway May Require a Permit!**



Creeks, wetlands and other waterways provide water, fisheries, recreation, and other public benefits. To protect these resources, agencies at the local, regional, state and federal level may require permits for work **within** or **near** any waterway. Permitting agencies often include your city, town or county, the California Department of Fish and Wildlife, U.S. Army Corps of Engineers, and the Regional Water Quality Control Board. This pamphlet will help you determine which agencies to contact for your project.

For permitting purposes, the various agencies define creeks and wetlands differently. **If you're planning to work in or near land that holds or conveys water, even if the area is only wet when it's raining, you may need one or more permits.**

Keep in mind that the **permitting jurisdiction can extend beyond the water's edge** to include creek banks, the vegetated riparian corridor and sometimes the upland zone (the diagram above depicts these areas). Permitting agencies can help you determine if your project requires a permit.

## **Practical Tips for Getting Your Project Approved**

- 1. Consult early.** Consultation with permitting and regulatory agencies should begin as early as possible in planning your project. See **Marin Project Coordination** meetings (next page) for information on free project reviews by potential state and federal regulatory agencies. Whether meeting with local, state or federal agencies, it is helpful to provide a written description, map and site plan.
- 2. Select and design your site carefully.** Evaluate several alternatives before making your choice. It is also important to conduct an environmental constraints analysis prior to site design.
- 3. Reduce adverse environmental impacts.** Design your project to avoid and minimize as many potential environmental impacts as feasible. Consider environmentally superior alternatives. Incorporate suggestions learned during early consultation.
- 4. Involve your community where relevant.** Meet with members of your community to get their ideas and views of your proposed project.
- 5. When in doubt, ask.** Moving ahead without all the proper permits or without following conditions of approval can cost you time and money. To save you time in writing a permit application, **check into using a JARPA (Joint Aquatic Resources Permit Application)**. Find out more through the [MCSTOPPP website](http://www.mcstoppp.org) under Creek Permits.
- 6. Get everything in writing.** Request each agency you contact to put everything in writing. This will help prevent any misunderstanding. Permitting agencies may require you to submit a complete permit application before providing you with a written response.



**Marin County Stormwater Pollution Prevention Program (MCSTOPPP)**

**P.O. Box 4186, San Rafael, CA 94913-4186 ♦ [www.mcstoppp.org](http://www.mcstoppp.org) or [mcstoppp@marincounty.org](mailto:mcstoppp@marincounty.org)**

*Thanks to the San Mateo Countywide Stormwater Pollution Prevention Program for the original concept and text of this brochure.*

*If you are a person with a disability and require materials in alternative formats, call 473-4381 (voice) or CRS 711 or email [disabilityaccess@marincounty.org](mailto:disabilityaccess@marincounty.org).*

## Agencies and their Mandates

### Local Government Review



Cities, towns and the County of Marin may require a local creek permit for work in or near a waterway. Depending on the nature of the project, several other permits may be required, e.g., grading permit, tree cutting permit, building permit, coastal development permit, etc. For more information, call your local government agency.

**CEQA Review.** Your local government agency must review your project under the requirements of the California Environmental Quality Act (CEQA). The main purpose of CEQA review is to identify and prevent significant potential environmental impacts from proposed projects. State permitting agencies also rely on information gathered in the local government's CEQA review.

### Planning Departments

City of Belvedere:	435-3838
Town of Corte Madera:	927-5064
Town of Fairfax:	453-1584
City of Larkspur:	927-5038
City of Mill Valley:	388-4033 ext. 109
City of Novato:	899-8989
Town of Ross:	453-1453 ext. 121
Town of San Anselmo:	258-4616
City of San Rafael:	485-3085
City of Sausalito:	289-4128
Town of Tiburon:	435-7390
Unincorporated Marin County:	473-6269

### Local Stormwater Coordinators

City of Belvedere:	435-3838
Town of Corte Madera:	927-5057
Town of Fairfax:	453-1584
City of Larkspur:	927-5017
City of Mill Valley:	388-4033
City of Novato:	899-8246
Town of Ross:	453-1453 ext. 163
Town of San Anselmo:	258-4600
City of San Rafael:	485-3355
City of Sausalito:	289-4100 ext. 106
Town of Tiburon:	435-7399
Unincorporated Marin County:	473-3748

## Marin Project Coordination Offers Free Project Reviews

Marin County Stormwater Pollution Prevention Program (MCSTOPPP) holds monthly Marin Project Coordination (MPC) meetings for potential permit applicants to meet with regulatory agency staff and receive their feedback prior to submitting a permit application. These meetings can save the applicant time and money in the long run. No public comments will be accepted and no regulatory action will be taken as a result of an MPC meeting.

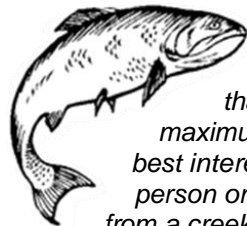
For more information, or to reserve a place on the agenda, contact MCSTOPPP staff at 415-473-6583.

### San Francisco Bay Regional Water Quality Control Board: (510) 622-2329

The San Francisco Bay Area Regional Water Quality Control Board's overall mission is to protect surface and ground waters of the San Francisco Bay region. The Regional Board issues 401 Water Quality Certification for projects requiring any federal permit that could affect water quality including, but not limited to, Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act. Section 401 refers to the section of the Clean Water Act that gives states the authority to issue, waive or deny certification that the proposed activity is in conformance with State water quality standards. In some cases, the Regional Board might issue a Waste Discharge Requirement (WDR) in lieu of a 401 certification.

### State Water Resources Control Board Division of Water Rights: (916)341-5438

In granting Water Right Permits, the Division of Water Rights determines under what conditions water may be taken and used. They work to assure that water resources are put to maximum beneficial use and that the best interests of the public are served. Any person or agency intending to take water from a creek for storage or direct use on non-riparian land must obtain a Water Right Permit.



### California Department of Fish and Wildlife: (707) 944-5520

The California Department of Fish and Wildlife requires a Streambed Alteration Agreement (SAA) for projects that will divert or obstruct the natural flow of water, change the bed, channel or bank of any stream, or propose to use any material from a streambed. The SAA is a contract between the applicant and the Department of Fish and Wildlife regarding what will and will not be done in the riparian zone. The Department of Fish and Wildlife may require a permit for any work that occurs anywhere (in, on, over, or under the creek) between the streambed sloping upwards, typically extending to the outer drip line of riparian vegetation. Some fish and wildlife species in Marin are protected under the California Endangered Species Act (CESA). This Act prohibits take of listed species. A California Endangered Species Act Permit must be obtained if the project has the potential to result in a take of plant or animal species listed under CESA, either during construction or over the life of the project.

### The Army Corps of Engineers Regulatory Branch: (415) 503-6774

The regulatory authority of the Army Corps of Engineers for creek projects is based on Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act. Section 404 of the Clean Water Act requires Corps authorization for work involving placement of fill or discharge of dredged materials into any "waters of the United States". Section 10 of the Rivers and Harbors Act requires Corps authorization for work or structures in or affecting navigable waters. Corps jurisdiction extends up to the ordinary high water line for non-tidal waters and up to the line of high tide (for dredge or fill), or mean high water line (for work or structures) for tidal waters. 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.

**The California Coastal Act of 1976** requires any person proposing to undertake development in the Coastal Zone to obtain a Coastal Development Permit (CDP) from Marin County, or from the California Coastal Commission if near the immediate shoreline.



The types of activities that require a coastal permit are very broad, including, but not limited

to, the placement of any materials or structure on land or water; discharges; grading, dredging, or removing material; construction of buildings; divisions of land; activities that change the intensity of use of land or public access to coastal waters; and a number of other activities. Streams, wetlands, and riparian areas are particularly protected.

Coastal Development Permit applications for projects in or near such areas must be obtained. To find out if your project is in the Coastal Zone, and what requirements apply, contact the Marin County Community Development Agency at (415) 473-6269 who will also tell you if your project needs a permit directly from the California Coastal Commission.

For information on the Coastal Commission's appeal and permitting process contact: North Central Coast District Office (415) 904-5260 or (415) 904-5200

### **San Francisco Bay Conservation and Development Commission: (415) 352-3600**

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 Bay Conservation and Development Commission. Fill 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 even (4) structures cantilevered over the Commission's jurisdiction. The Commission's permit jurisdiction includes San Francisco Bay which is defined as any area within the greater San Francisco Bay to mean high tide (except in areas of tidal marsh where the Commission's jurisdiction extends to 5 feet above mean sea level) and a "shoreline band" that extends 100 feet inland from areas subject to tidal action.

### **U.S. Fish and Wildlife Service: (916) 414-6600**

The U.S. Fish and Wildlife Service reviews and comments on projects pursuant to the Fish and Wildlife Coordination Act, the Clean Water Act, and the National Environmental Policy Act. The Service's comments focus on the effects of projects on all fish and wildlife resources and the habitats that support those resources. Such projects may include, but are not limited to, flood control, urban and industrial development, and habitat restoration activities. The Service also reviews projects for their effects pursuant to the Federal Endangered Species Act (Act). The Act, through Section 9, prohibits the take of any species listed as threatened or endangered without an exemption. The term "take" is broadly defined and the Service will require a permit for anything determined to be a "take". If there is another Federal Agency involved then exemption from the "take" provisions of the Act can be achieved through a Section 7 process. If there is no Federal involvement then a permit pursuant to Section 10, also known as a Habitat Conservation Plan, will be needed.



### **Creek Care Guidelines**

For information on how to maintain or enhance our creeks, read these publications available from MCSTOPPP. Request hard copies by emailing [mcstoppp@marincounty.org](mailto:mcstoppp@marincounty.org) or by calling 473-3202.

View the following resources at [www.mcstoppp.org](http://www.mcstoppp.org) by linking to Residents, Publications and Resources and then scroll to the desired publication.

- [Creek Care – A Guide for Marin Residents](#)
- [Fish-Friendly Guide for Marin Residents](#)
- [Repairing Creekbank Erosion](#)
- [Minimum Erosion/Sediment Control Measures](#)
- [Groundwork: A Handbook for Small-Scale Erosion Control](#)

### **Avoid Illicit Discharges Before, During and After Construction**

- Only clean rainwater can legally flow into storm drains, streets or waterways without a permit.
- To report a hazardous spill call 911 or contact your local fire department.
- To report pesticide misuse, contact the Department of Agriculture, Weights & Measures 473-6700.
- To report non-hazardous spills, pollution incidents, or creek violations, call your local agency's stormwater coordinator (see page 2 for contact info.). After business hours, call 911 if the discharge is in process; or, call the Sheriff's non-emergency line at 415-499-7233 to report seeing a discharge that has already occurred.
- Make an anonymous report through MCSTOPPP's website at [www.mcstoppp.org](http://www.mcstoppp.org). See the bottom right corner of the home page.
- Report poachers, fish kills, or habitat destruction by calling Cal-Tip at 1-888-334-2258.
- For more information, call the Marin County Stormwater Pollution Prevention Program (MCSTOPPP) at (415) 473-3202.



## Guide to Marin County Creek and Wetland Permitting\*

<b>Does Your Project:</b>	City/Co. Planning & Building/ CEQA Reviews	Local Creek Permit	Regional Water Quality Control Board	California Dept. of Fish and Wildlife	Coastal Permit	S.F. Bay Conservation and Development Commission	U.S. Army Corps of Engineers	U.S. Fish & Wildlife Service	SWRCB Division of Water Rights
<i>Involve creek bank stabilization or erosion control?</i>	✓	✓	✓	✓	✓	✓	✓	✓	
<i>Require the removal of riparian or other wetland vegetation?</i>	✓	✓	✓	✓	✓	✓		✓	
<i>Involve planting riparian or wetland vegetation?</i>	✓	✓	✓	✓	✓	✓		✓	
<i>Affect native plants, wildlife or fisheries?</i>	✓		✓	✓	✓	✓		✓	
<i>Result in stormwater discharge into a creek or wetland?</i>	✓	✓	✓	✓	✓	✓	✓	✓	
<i>Divert or obstruct the natural flow; or change the natural bed or bank of a creek or wetland?</i>	✓	✓	✓	✓	✓	✓	✓	✓	
<i>Involve repair, rehabilitation or replacement of any structure or fill adjacent to a creek or wetland?</i>	✓	✓	✓	✓	✓	✓	✓	✓	
<i>Involve building any structure adjacent to a creek or wetland?</i>	✓	✓	✓	✓	✓	✓	✓	✓	
<i>Involve fish and wildlife enhancement, attraction or harvesting devices and activities?</i>	✓		✓	✓	✓	✓	✓	✓	
<i>Use materials from a streambed (including but not limited to boulders, rocks, gravel, sand and wood debris)?</i>	✓	✓	✓	✓	✓		✓	✓	
<i>Require the disposal or deposition of debris, waste, or any material containing crumbled, flaked, or ground pavement with a possibility that such material could pass into a creek or wetland?</i>	✓	✓	✓	✓	✓	✓	✓	✓	
<i>Involve the removal of any materials from, or add fill to, a creek or wetland?</i>	✓	✓	✓	✓	✓	✓	✓	✓	
<i>Involve grading or fill near a creek or wetland?</i>	✓	✓	✓	✓	✓	✓		✓	
<i>Involve a bridge or culvert?</i>	✓	✓	✓	✓	✓	✓	✓	✓	
<i>Involve a septic leach field near a creek or wetland?</i>	✓	✓	✓	✓	✓	✓			
<i>Require a water well near a creek or wetland?</i>	✓	✓		✓	✓	✓			
<i>Involve work within historic or existing coastal wetlands?</i>	✓	✓	✓	✓	✓	✓	✓	✓	
<i>Remove water from creek for storage or direct use on non-riparian land?</i>	✓		✓	✓	✓	✓	✓	✓	✓

\*A checked box in the table indicates that the corresponding agency should be contacted. It does not indicate that a permit will definitely be required.