

EMERGENCY PERMITTING GUIDANCE FOR FILL/EXCAVATION PROJECTS WITHIN WATERS OF THE STATE, IN PREPARATION FOR AND IN RESPONSE TO THE 2026/27 EI NIÑO

(10/1/2026)

On September 21, 2026, California Governor Gavin Newsom signed a [Proclamation of a State of Emergency](#) related to the potential extreme weather and flooding effects of this year's El Niño conditions. The North Coast Regional Water Quality Control Board (North Coast Water Board) and its staff are committed to working closely to prepare for and with the affected community to recover from the issues and challenges that may occur during this fall and winter. We are available to consult and assist with emergency permitting for projects taking place within creeks, rivers, wetlands, lakes, reservoirs and our coastline and harbors.

Typical Project Types:

The North Coast Water Board regulates, and issues permits for activities (dredge, fill or excavation) that may impact jurisdictional waters of the U.S. and the state. Emergency projects affecting jurisdictional waters may be necessary to prepare for and in response to El Niño to repair, reduce, or prevent further impacts to property, infrastructure, or waterbodies. All repairs and construction shall be kept to the minimum necessary to alleviate the immediate emergency and limited to in-kind replacement or refurbishment of on-site features. Some project examples may include: replacement of road infrastructure and stream crossings including culverts and bridges, rebuilding houses/structures near streams or wetlands, erosion control, removal of debris, or creek-side replanting, coastal erosion, riverbank and creek bank stabilization. See the steps below for how to contact the North Coast Water Board if you intend to conduct emergency repairs in areas that may be jurisdictional waters, including stream channels or banks, wetlands, and/or creek-side corridors.

Culvert Maintenance:

Routine maintenance of existing culverts is a very important way to protect roads, property, and water quality. North Coast Water Board staff do not require permit application, nor fees, nor notification, for the following routine maintenance activities when no flowing water is present in the culvert:

1. Removal of accumulated bedload materials (e.g., sand, silt, gravel, cobble, boulders) within the culvert including at the inlet and outlet.
2. Removal of accumulated leafy and woody materials that impede or prevent flow through the culvert. This includes materials that partially, completely, or has the potential to block the culvert inlet, outlet, or within the culvert itself.
3. Routine maintenance activities can be conducted with hand tools or mechanized equipment.
4. If mechanized heavy equipment is used, exposed soils shall be stabilized at completion of work to minimize potential discharges of sediment to waters of the state.
5. Removed material (bedload, leaves, and woody material), must be relocated to a stable upland area where it cannot discharge downstream, or potentially discharge, into adjacent watercourses or wetlands.

Please contact the North Coast Water Board if you are conducting routine maintenance beyond the scope of the activities listed above. We are here to assist and discuss the most appropriate process for maintaining your culvert.

First step is to send a notification (email) to both regulatory agencies listed below including photos of the current condition and emergency proposal of the activities (materials and methods) within waters.

Contact the U.S. Army Corps of Engineers: (CESPN-RG-Info@usace.army.mil) to find out if you need authorization from them for the project. The project may require an Emergency Permit, Regional General Permit No. 5 (RGP-5); or may require a different permit or no permitting.

Contact us at the North Coast Water Board: (Northcoast@waterboards.ca.gov). We will help you get the appropriate authorization, which in part depends on if and how the U.S. Army Corps of Engineers authorizes the project.

Agency staff will respond to the initial email notification with permitting options and guidance on how to proceed.

Possible permitting options:

1. If the U.S. Army Corps of Engineers determines that the project is exempt from needing a federal permit or is not within their jurisdiction, the North Coast Water Board staff will determine an appropriate state level action, including Emergency Waste Discharge Requirements (WDRs).
2. If the U.S. Army Corps of Engineers determines that the project qualifies for Emergency Projects ([RGP 5](#)), then we will work with you to obtain the General 401 water quality certification for projects with RGP 5 coverage. The initial email notification must be followed within three (3) business days by submitting all of the information in the Emergency Notice of Intent (NOI) form.
3. If the U.S. Army Corps of Engineers determines that the project requires Clean Water Act Section 404 authorization under a different permit, we will work with you on a streamlined permitting option.

Notice of intent forms should be emailed to northcoast@waterboards.ca.gov

Contact information:

Army Corps of Engineers

CESPN-RG-Info@usace.army.mil or call (415) 503-6795

North Coast Water Board

Gil Falcone, Southern 401 Permit Program Manager (Sonoma and Mendocino Counties), (707) 576-2830, Gil.Falcone@waterboards.ca.gov

Ryan Bey, Northern 401 Permit Program Manager (Hum, Del Norte, Siskiyou, Trinity Counties), (707) 576-2679, Ryan.Bey@waterboards.ca.gov

California Department of Fish and Wildlife

[CDFW Regions \(ca.gov\)](http://CDFW.Regions.ca.gov)

Resources:

North Coast surface water and Certification permitting page containing our emergency NOIs and permits: [Water Quality Compliance | California Northcoast Regional Water Quality Control Board](#)

California Salmonid Stream Habitat Restoration Manual Table XI-1: Native Plants for Revegetation: <http://www.dfg.ca.gov/fish/Resources/HabitatManual.asp>

Weaver and Hagans Guide to Forest and Ranch Roads: <http://www.pacificwatershed.com/sites/default/files/RoadsEnglishBOOKapril2015b.pdf>

FAQ

How much will a water quality permit cost?

Per the current fee schedule ([401 Fee Calculator](#)) send in the application fee for emergency projects. If your project will be concluded within 1 year generally there will be no additional annual fees.

How long will it take to get emergency authorization from the North Coast Water Board?

The Governor has made issuance of authorizations for El Niño related projects a priority. Emergency permitting for these types of projects allow applicants to begin their projects immediately after notifying us, if it qualifies for emergency permitting. Applicants also need to comply with all emergency permit requirements and conditions. We will review project information in the order received and prioritize authorization.

How do I determine the latitude and longitude of my property?

The [Caltrans Water Quality Planning Tool](#) can help identify the latitude and longitude of your property as well as other useful watershed information.

What are bioengineering streambank protection techniques?

Bioengineering streambank protection techniques involve using living woody and plant materials with other natural materials to increase the strength and structure of the stream bank. Examples include live willow sprigging and pole planting, vegetated soil lifts, and natural erosion-control fabrics with native plantings. All emergency permits require first considering bioengineering when applicable when stabilizing stream and riverbanks.

Are any activities or materials prohibited?

Projects are reviewed on a case-by-case basis. Typically, for projects that are placing new bank stabilization materials where none existed prior to the emergency, *bioengineering techniques* must be considered rather than only rip-rap/rock slope protection (RSP). Other permanent bank-hardening techniques such as gabion baskets, concrete, sacrete, or gunite, are not allowed. If just placing RSP is the only option to address the emergency, applicants may be required to (i) remove the rock at a later date and restore the bank; (ii) bioengineer the site effectively at a later date; or (iii) propose acceptable mitigation to offset permanent impacts.