

EMERGENCY PROJECT PERMITTING IN RESPONSE TO CALIFORNIA WILDFIRES

(01/04/2018)

On October 8, 2017, several catastrophic wildfires started in Northern California that claimed numerous lives, destroyed thousands of homes, burned businesses, and scorched nearly 200,000 acres of land. The scale of these fires was unprecedented and will have lasting impacts on the communities and environment for years to come. The North Coast Regional Water Quality Control Board (North Coast Water Board) and its staff are committed to working closely with the affected community to recover from this catastrophe.

Quick Steps to get a permit or authorization

1. **Contact the U.S. Army Corps of Engineers:** ([see U.S. Army Corps of Engineers contacts below](#)) to find out if you need authorization from them for the project. The project may be authorized as emergency maintenance and exempt from permitting; require an Emergency Permit (RGP-5, see below); or may require a different permit.
2. **Contact us at the North Coast Water Board:** ([see North Coast Water Board contacts below](#)). We will help you get the appropriate authorization, which in part depends on how the U.S. Army Corps of Engineers authorizes the project.
3. **Provide us information about the project:** We will accept an emailed or paper Emergency Project application form ([see below](#)). You may additionally enter (optional) the project into an on-line data portal called Project Tracker (<http://ptrack.ecoatlas.org>) where you can provide necessary information about the project (see below).

Project Types

The North Coast Water Board regulates and issues permits for activities that may impact jurisdictional waters of the U.S. and the state. Emergency projects affecting jurisdictional waters may be necessary to repair, reduce, or prevent further impacts to property, infrastructure, or streams. Some examples are: 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. Please contact the North Coast Water Board or San Francisco 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.

Fire Locations

Portions of the wildfires were located within the boundaries of the North Coast Water Board and/or the San Francisco Bay Regional Water Quality Control Board (San Francisco Water Board). Please determine which Regional Water Quality Control Board has jurisdiction over your project by finding the project location on the [Regional Board map](#). You may also call us and we can determine this for you.

Governor Brown's Emergency Proclamation

On October 9, 2017, California Governor Edmund G. Brown Jr. issued a [Proclamation of a State of Emergency](#) (Emergency Proclamation) in response to the wildfires. The Governor's proclamation suspends *some* state agency requirements for activities related to safety, cleanup, and restoration projects within the wildfire affected areas. The Secretary of the California Environmental Protection Agency (CalEPA) or California Natural Resources Agency determines if proposed activities are eligible to be conducted under the suspension. Proposed projects submitted to the North Coast Water Board will be processed as outlined below after consult with the Secretary of CalEPA. Some emergency projects may require permitting by other state, federal and local agencies. Prior to initiating any emergency projects, you should also contact these agencies to determine what requirements, if any, apply to you.

North Coast Water Board Permitting Process for Fire Emergency Projects

Project authorization from the North Coast Water Board depends, in part, on how the [U.S. Army Corps of Engineers](#) authorizes the project. Your first step is to contact the U.S. Army Corps of Engineers and obtain documentation of their determination. The U.S. Army Corps of Engineers has issued a [guidance document](#) on their emergency permitting related to the recent wildfires.

Next, fill out the [Emergency Project Application Form](#) and submit it to the North Coast Water Board. Include documentation of the U.S. Army Corps of Engineers determination. You may additionally (optional) enter the project into an on-line data portal called Project Tracker (<http://ptrack.ecoatlas.org>) where you can provide necessary information about the project ([see below](#)).

1. If the U.S. Army Corps of Engineers determines that the project is federally exempt or is not within their jurisdiction, then the North Coast Water Board will determine an appropriate state level action, including a Waiver or a General WDR.
2. If the U.S. Army Corps of Engineers determines that the project requires Clean Water Act Section 404 authorization, then we will work with you to issue the companion state level Clean Water Act Section 401 authorization, or other authorization.
3. If the U.S. Army Corps of Engineers determines that the project qualifies for Regional General Permit 5 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. You must notify the North Coast Regional Water Quality Control Board at least forty-eight (48) hours prior to initiating the emergency project. This notification must be followed within three (3) business days by submission of all of the information in the [Emergency Project Application Form](#).

Emergency Project Application Form should be emailed to northcoast@waterboards.ca.gov

Or send hard-copy by mail to our office:

NCRWQCB, ATTN 401 UNIT
5550 Skylane Blvd., Suite A
Santa Rosa CA 95403

Please call our office at (707) 576-2220 and ask to speak with a person in the 401 Permitting Unit to alert us that you have emailed or mailed an application in so that we may expect it, or if you have any questions about this process.

Project Tracker on-line application required information (optional):

If using this submittal option, at a minimum please complete the following fields in Project Tracker <http://ptrack.ecoatlas.org> :

1. Set up a profile – submit a request to create a new account. (It may take several days to activate your account)
2. Once logged in, create a new project and fill in all required (*) fields and save.
 - a. For *project type* choose “Repair / Maintenance”.
3. Fill in the *Project Events* required information (*) and save.
4. Fill in the *Contacts* information and save.
5. Add *New Project Site* information including the latitude and longitude, then map your project and save.
6. Fill in *Groups* – select *North Coast Region 2017 Emergency Fire Response Projects*
7. Once complete, your project will be reviewed by North Coast Water Board staff

Contact information:

Army Corps of Engineers

Holly Costa, North Branch Chief, (415) 503-6780, Holly.N.Costa@usace.army.mil

Sahrye Cohen, (415) 503-6779, Sahrye.E.Cohen@usace.army.mil

Will Connor, (415) 503-6631, William.M.connor@usace.army.mil

Sarah Firestone, (415) 503-6776, Sarah.M.Firestone@usace.army.mil

Roberta Morganstern, (415) 503-6782, Roberta.A.Morganstern@usace.army.mil

North Coast Water Board

Stephen Bargsten, 401 Permit Program Manager, (707) 576-2653, Stephen.Bargsten@waterboards.ca.gov

Gil Falcone, 401 Staff, (707) 576-2830, Gil.Falcone@waterboards.ca.gov

Kaete King, 401 Staff, (707) 576-2848, Kaete.King@waterboards.ca.gov

Jake Shannon, 401 Staff, (707) 576-2673, Jacob.Shannon@waterboards.ca.gov

Brendan Thompson, 401 Staff, (707) 576-2699, Brendan.Thompson@waterboards.ca.gov

San Francisco Bay Water Board

Xavier Fernandez, 401 Permit Program Manager, (510) 622-5685, Xavier.Fernandez@waterboards.ca.gov

Nicole Fairley, 401 Staff, (510) 622-2424, Nicole.Fairley@waterboards.ca.gov

California Department of Fish and Wildlife

Karen Weiss, (707) 944-5525, Karen.Weiss@wildlife.ca.gov

Resources

Emergency Project Application Form:

[https://www.waterboards.ca.gov/northcoast/water_issues/programs/water_quality_certification/pdf/Fire Related Emergency NOI.docx](https://www.waterboards.ca.gov/northcoast/water_issues/programs/water_quality_certification/pdf/Fire_Related_Emergency_NOI.docx)

Conditional Waiver of Waste Discharge Requirements for Specific Categories of Low threat Discharge in the North Coast, R1-2017-0039 (Waiver):

https://www.waterboards.ca.gov/northcoast/board_decisions/adopted_orders/pdf/2017/17_0039_Conditional_Waiver.pdf

Link to attachment A:

[https://www.waterboards.ca.gov/northcoast/board_decisions/adopted_orders/pdf/2017/17_0039_Conditional_Waiver AttachA.pdf](https://www.waterboards.ca.gov/northcoast/board_decisions/adopted_orders/pdf/2017/17_0039_Conditional_Waiver_AttachA.pdf)

Army Corps application form:

http://www.usace.army.mil/Portals/2/docs/civilworks/regulatory/engform_4345_2017sept.pdf?ver=2017-09-15-114727-167

California Department of Fish and Wildlife CDFW General Culvert Bridge Crossing Stabilization Document:

https://www.waterboards.ca.gov/northcoast/water_issues/programs/water_quality_certification/pdf/CDFW_General_Culvert_Bridge_Crossing_Stabilization_Document.pdf

Napa Stream Maintenance Manual

Chapter 6 only of the Napa Stream Maintenance Manual: Erosion Protection and Bank Stabilization:

<http://www.countyofnapa.org/Pages/DepartmentContent.aspx?id=4294968664>

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?

There is no charge if the project is eligible for our Waiver, or if it is deemed eligible for suspension of regulations.

Per the current fee schedule ([401 Fee Calculator](#)) the application fee for General 401 Certification enrollments is \$1,500.

The North Coast Regional Water Quality Control Board has requested that the Governor allow waiving permit fees for General 401 Certification enrollments for emergency projects in the fire-affected areas. This information will be updated when we receive a response to our request.

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

We have made issuance of authorizations for fire related projects a priority. We will review project information in the order received, and prioritize authorization. We anticipate being able to issue authorizations from nearly immediately to several weeks.

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, and natural erosion-control fabrics with native plantings. Please see the references provided below for additional information on bioengineering techniques and materials.

Are any activities or materials prohibited?

Projects are reviewed on a case-by-case basis. Typically, projects that are placing new bank stabilization materials where none existed prior to the fires, *bioengineering techniques* are more readily approved than projects that propose rip-rap. Other permanent bank-hardening techniques such as gabion baskets, concrete, sacrete, or gunite, are generally not allowed.