



Guide to Creek & Wetland Project Permitting

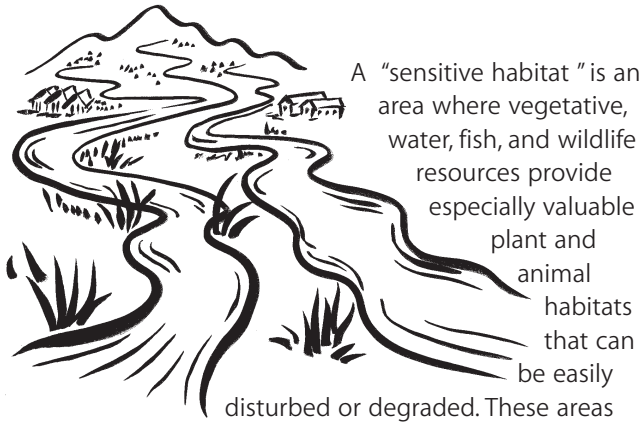


**San Mateo Countywide
Stormwater Pollution Prevention
Program (STOPPP)**

c/o 10 Twin Dolphin Drive, Suite C-200
Redwood City, CA 94065
650/991-8246

A program of the City/County
Association of Governments (C/CAG)

San Mateo County Guide to Creek and Wetland Project Permitting



A "sensitive habitat" is an area where vegetative, water, fish, and wildlife resources provide especially valuable plant and animal habitats that can be easily disturbed or degraded. These areas include but are not limited to riparian corridors (creeks) and wetlands.

Riparian corridors are vegetative and wildlife areas in and adjacent to perennial and intermittent streams and other freshwater bodies, such as lakes, ponds, and reservoirs. Riparian corridors can be delineated by the limit of riparian vegetation.

Wetlands are areas where the water table is at, near, or above the land surface long enough to bring about the formation of hydric soils or to support the growth of plants which normally grow in water or wet ground. Wetlands include fresh or brackish water marshes, mudflats, brackish, tidal or seasonal wet areas and can occur along the margins of streams, lakes and ponds.

Should you have a project that is adjacent to or involves a riparian corridor or wetland, certain permits may be required from Federal, State or local agencies. These agencies have their own specific definitions of sensitive areas that require permits. This pamphlet should help you determine which agency to contact for your project.

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.

2. Carefully Select and Design Your Site.

Evaluate several alternative sites before making your choice. It is also important to conduct an environmental constraints analysis prior to site design.



3. Have Written Descriptions and Site Plans Available.

You may need to provide a written description as well as a map and site plan of your project at your first meeting with each agency.

4. Learn the Rules. Take time to study the protocols and regulations of those agencies that must approve your project. Study all applicable state, local and federal agency permitting requirements.

5. Know the Players. Become familiar with the regulators and how they function.

6. Approach the Process with a Positive, Non-adversarial Attitude. It is generally counterproductive to resist the permit process as you are going through it. Indeed the squeaky wheel gets the grease. But be polite!

7. Know the resources you are protecting and why they are sensitive. For information contact the CA Department of Fish and Game.

8. Reduce Adverse Environmental Impacts. Design your project to eliminate or reduce as many potential environmental impacts as

possible. Consider environmentally superior alternatives. Incorporate the suggestions you learned during early consultation.

9. Involve the Public. Plan a public participation program. Meet with members of your community to get their ideas and views of your proposed project.

10. Pay Attention to Details. Follow all the rules. Respond promptly to requests for information. Do not cut corners.

11. Be Willing to Negotiate. The permit process has been established because of the public concern for protecting the waterways and this is the prime responsibility of the agency reviewer. The reviewers are sensitive to the concerns of individuals and property rights, and are willing to consider alternative project designs to meet the needs of the property owner and still protect natural resources.



12. When in Doubt, Ask. If you are not sure whether your project needs a permit, ask. Going ahead without all the proper permits or without following conditions of approval very likely will cost you time and money.

13. Get Everything in Writing. Request each agency you contact to put everything in writing. This will help prevent any misunderstandings.

The Agencies and their Mandates

City and County Government Review.



Many City and County governments have local ordinances pertaining to creeks and wetlands, and depending on the nature of the project several other permits (i.e. Grading Permit, Tree Cutting Permit, Building Permit, Coastal Development Permit, etc...) may be required as well. For more information, call your local Planning Department and provide them with the property's address and Assessor Parcel Number (APN).

CEQA Review. The local government planning department with the most jurisdictional responsibility for your project must review it 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.

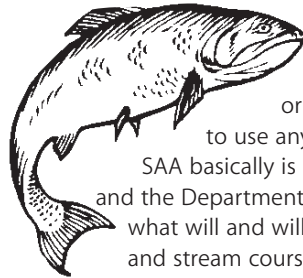
Planning Departments (area code 650)

| | |
|--|-----------------|
| City of Atherton | 688-6521 |
| City of Belmont | 585-7416 |
| City of Brisbane | 467-4180 |
| City of Burlingame | 696-7250 |
| City of Colma | 985-2590 |
| City of Daly City | 991-8033 |
| City of East Palo Alto | 853-3189 |
| City of Half Moon Bay | 726-8250 |
| Town of Hillsborough | 579-3816 |
| City of Menlo Park | 858-3400 |
| City of Millbrae | 259-2341 |
| City of Pacifica | 738-7300 |
| Town of Portola Valley | 851-1700 |
| City of Redwood City | 780-7234 |
| City of San Bruno | 877-8874 |
| City of San Carlos | 802-4263 |
| City of San Mateo | 377-3362 |
| San Mateo County | 363-4161 |
| City of South San Francisco | 877-8535 |
| Town of Woodside | 851-6790 |

San Mateo County Environmental Health Services Division. (650) 363-4305. The County Environmental Health Department provides environmental health protection to insure a safe and healthful environment for County residents. This protection is provided through education, and monitoring and enforcement of business entities including retail, food and hazardous materials handlers. This agency would be involved and may require permits if work on, or discharge into a creek or wetland poses a public health hazard.

San Mateo County Flood Control District. (San Mateo County Public Works Department **(650) 363-4100.**) The District is empowered to study flood conditions and to construct facilities after the formation of zones consisting of the particular watersheds to be served. San Mateo County has flood control zones in the following areas: Colma Creek, Ravenswood, San Bruno Creek, and San Francisquito Creek. The District is responsible for property and facilities which it owns and maintains, generally consisting of walls and levees. Any proposed work involving property and facilities owned by the Flood Control District will require an Encroachment Permit. In addition, regulations of construction have been adopted in San Francisquito Creek for the stretch between its confluence with Los Trancos Creek and San Francisco Bay. Contact the District if you are not sure whether your project requires a permit, or is within the District's jurisdiction.

California Department of Fish and Game. (707) 944-5520 or (707)944-5500. The California Department of Fish and Game 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 basically is a contract between the applicant and the Department of Fish and Game regarding what will and will not be done in the riparian zone and stream course. The Department of Fish and Game is interested in any work that occurs anywhere (in, on, over, or under the creek) between the streambed sloping upwards to the top of the bank. If you have any uncertainty about the need for an SAA you should contact the Department of Fish and Game, and they will let you know if they need to be involved. The SAA is subject to CEQA and all information necessary for stream projects must be disclosed.



San Francisco Bay Area Regional Water Quality Control Board. (510) 622-2300. (Ask for the staff member assigned to your County.) 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 General Construction Activity Storm Water Permits for storm water discharges associated with any construction activity, including clearing, grading, excavation or reconstruction that results in the disturbance of at least five acres of total land area. The Regional Board also reviews and waives Section 401 Water Quality Certification for projects requiring Corps of Engineers Section 404 permits. 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.



State Water Resources Control Board. The California Legislature established the State Water Resources Control Board (State Board) and the nine Regional Water Quality Control Boards in 1967. The State Board administers the State's water quality, water pollution control, and water rights functions as part of the California Environmental Protection Agency. The State Board provides policy guidance and budgetary authority to the Regional Water Quality Control Boards, which conduct planning, permitting and enforcement activities. The joint action of the State Board and the Regional Boards constitute a comprehensive program for managing water in California.

State Water Resources Control Board, Division of Water Rights. (916) 322-4503 or (916) 657-2170. In granting Water Right Permits, the State Board must determine under what conditions water may be taken and used. Their goal is to assure that California's water resources are put to maximum beneficial use and that the best interests of the public are served. Any persons or agencies intending to take water from a creek for storage or direct use on non-riparian land must first obtain a Water Right Permit. If you are uncertain whether you need a permit or have questions about your present use of water, call the Board's Division of Water Rights.

The California Coastal Commission. The California Coastal Act of 1976 requires any person proposing to undertake development in the Coastal Zone to obtain a Coastal Development Permit. The Coastal



Zone extends inland anywhere from approximately 500 yards in developed urban areas to five miles in undeveloped areas.

Coastal Development Permit applications for projects in or near coastal creeks can be obtained from the following Planning Departments: the County of San Mateo, the City of Half Moon Bay, the City of Pacifica or

the City of Daly City. If projects are proposed in or adjacent to existing or historic coastal wetland areas, they will require Coastal Development Permits issued by the Coastal Commission. To find out if your project is in the Coastal Zone you should contact the planning division of your local government.

Questions regarding the Coastal Commission’s appeal and permitting processes should be directed to:

For projects within unincorporated areas and coastal cities of San Mateo County contact: **North Coast Chief of Permits (650) 904-5400.**



San Francisco Bay Conservation and Development Commission. (650) 557-3686. 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 up 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. The Commission also has jurisdiction over a portion of Redwood Creek. If your project is close to Redwood Creek or near the mouth of any creek flowing into the San Francisco Bay, check with the Commission to find out if they have jurisdiction.

The Army Corps of Engineers. (Regulatory Branch **(415) 977-8464**, ask for South Section Chief.) The regulatory authority of the 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.

U.S. Natural Resources Conservation Service/San Mateo County Resource Conservation District. (650) 726-4660 or (408) 688-1562. The Natural Resources Conservation Service (NRCS), formerly the Soil Conservation Service, is an agency of the U.S. Department of Agriculture which provides assistance to landowners in San Mateo County through a Memorandum of Understanding with the San Mateo County Resource Conservation District (RCD). The NRCS and RCD are co-located in the same Half Moon Bay office. NRCS, in cooperation with the RCD, provides free technical information and assistance to landowners and land users to address natural resource management concerns for cropland, pastureland, rangeland, woodland, water resources, disturbed areas, and watersheds. NRCS also provides free soil survey information. NRCS is non-regulatory and does not issue any permits. NRCS has been designated as the Federal agency responsible for making wetland delineations/determinations on private agricultural lands. However, these delineations are made only upon written request from the landowner or another Federal agency. The RCD facilitates Grading Permit Exemptions for natural resource management projects carried out under the purview of the RCD and NRCS.



U.S. Fish and Wildlife Service. (916) 979-2710. 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 be, but not limited to, flood control, urban and industrial development, habitat restoration activities, etc. The Service also reviews projects for their affects pursuant to the Federal Endangered Species Act (Act). The Act, through Section 9, prohibits the take of any species listed as threatened or endangered pursuant to the Act without a specific exemption. The term “take” is broadly defined and if “take” is going to occur a permit from the Service is required. 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 than a permit pursuant to Section 10, also known as a Habitat Conservation Plan, will be needed.

National Marine Fisheries Service (707) 575-6050.

The National Marine Fisheries Service (NMFS) is the federal agency responsible for the conservation and management of the nation’s living marine resources. Projects or activities that may affect marine fish and related habitat within NMFS jurisdiction are reviewed for any potentially harmful effects. These evaluations are conducted under the authorities of the Endangered Species Act (ESA), Magnuson-Stevens Fishery Conservation and Management Act, Fish and Wildlife Coordination Act, and the National Environmental Policy Act. The purpose of reviews conducted by NMFS is to ensure that sensitive populations of marine and anadromous fish (such as salmon and steelhead), as well as the aquatic and riparian habitat that support these fish, can survive and recover in the presence of human activities. Through these reviews, the need to conserve and protect fish and habitat is balanced with the need to responsibly utilize natural resources for economic and other purposes. The types of projects and activities of interest to NMFS include streambank stabilization, streambed alteration, habitat restoration, flood control, urban and industrial development, and water resource utilization. When projects or activities require a federal permit, such as a Clean Water Act section 404 permit from the Army Corps of Engineers, then NMFS conducts a consultation with the federal agency under section 7 of the ESA. When there is no federal involvement, then for projects that incidentally “take” a listed species a permit under section 10 of the ESA is required.



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(Note: A checked box indicates the agency that should be contacted. It does not indicate that a permit will definitely be required.)

| Does Your Project: | City/Co. Planning & Building/ CEQA Reviews | SMCO Environ. Health Services Divisions | SMCO Flood Control Districts | SWRCB Division of Water Rights | Regional Water Quality Control Board | California Dept. of Fish and Game | Calif. Coastal Comm. | S.F. Bay Conserv. and Develop. Comm. | U.S. Army Corps of Engineers | U.S. Fish & Wildlife Service | U.S. National Marine Fisheries Service | U.S. Natural Resources / SMCO Resource Conserv. District |
|--|--|---|------------------------------|--------------------------------|--------------------------------------|-----------------------------------|----------------------|--------------------------------------|------------------------------|------------------------------|--|--|
| Involve creek bank stabilization or erosion control? | ✓ | | ✓ | | ✓ | ✓ | | ✓ | ✓ | ✓ | ✓ | ✓ |
| Require the removal of riparian or other wetland vegetation? | ✓ | | | | ✓ | ✓ | | ✓ | | ✓ | ✓ | ✓ |
| Involve planting riparian or wetland vegetation? | ✓ | | | | ✓ | ✓ | | ✓ | | ✓ | | ✓ |
| Affect native plants, wildlife or fisheries? | ✓ | | | | ✓ | ✓ | | ✓ | | ✓ | ✓ | ✓ |
| Result in stormwater discharge into a creek or wetland? | ✓ | ✓ | ✓ | | ✓ | ✓ | | ✓ | ✓ | ✓ | ✓ | ✓ |
| Divert or obstruct the natural flow; or change the natural bed or bank of a creek or wetland? | ✓ | | ✓ | | ✓ | ✓ | | ✓ | ✓ | ✓ | ✓ | ✓ |
| Involve repair, rehabilitation or replacement of any structure or fill adjacent to a creek or wetland? | ✓ | | | | ✓ | ✓ | | ✓ | ✓ | ✓ | ✓ | ✓ |
| Involve building any structure adjacent to a creek or wetland? | ✓ | | | | ✓ | ✓ | | ✓ | ✓ | ✓ | ✓ | ✓ |
| Involve fish and wildlife enhancement, attraction or harvesting devices and activities? | ✓ | | | | ✓ | ✓ | | ✓ | ✓ | ✓ | ✓ | ✓ |
| Use materials from a streambed (including but not limited to boulders, rocks, gravel, sand and wood debris)? | ✓ | | | | ✓ | ✓ | | | ✓ | ✓ | ✓ | ✓ |
| 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? | ✓ | | ✓ | | ✓ | ✓ | | ✓ | ✓ | ✓ | ✓ | ✓ |
| Involve the removal of any materials from, or add fill to, a creek or wetland? | ✓ | | ✓ | | ✓ | ✓ | | ✓ | ✓ | ✓ | ✓ | ✓ |
| Involve grading or fill near a creek or wetland? | ✓ | | | | ✓ | ✓ | | ✓ | | ✓ | ✓ | ✓ |
| Involve a bridge or culvert? | ✓ | | ✓ | | ✓ | ✓ | | ✓ | ✓ | ✓ | ✓ | ✓ |
| Involve utility pipe lines? | ✓ | | ✓ | | ✓ | ✓ | | ✓ | ✓ | | | |
| Involve a septic leach field near a creek or wetland? | ✓ | ✓ | | | ✓ | ✓ | | ✓ | | | | |
| Require a water well near a creek or wetland? | ✓ | ✓ | | | | ✓ | | ✓ | | | | |
| Involve work within historic or existing coastal wetlands? | ✓ | | | | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ |
| Remove water from creek for storage or direct use on non-riparian land. | ✓ | | | ✓ | ✓ | ✓ | | ✓ | ✓ | ✓ | ✓ | ✓ |
| Require that hazardous materials be generated and/or stored on site? | ✓ | ✓ | | | ✓ | ✓ | | ✓ | | | | |

Additional Creek and Wetland Project Permitting Information

Contacts:

To report a hazardous or non-hazardous spill or pollution incident, call **911** or: San Mateo County Environmental Health Division (650) 363-4305 or 363-4708, or

San Francisco Bay Regional Water Quality Control Board (510) 622-2300

To report illegal dumping in creek, fish kills, poaching, etc. call: California Department of Fish and Game (707) 944-5512

For additional information on the San Mateo Countywide Stormwater Pollution Prevention Program (STOPPP), call (650) 599-1406.

Construction Practices

The following book will provide you with valuable information regarding water pollution and construction activities.

Blueprint for a Clean Bay

Contains information on best management practices to prevent water pollution from construction-related activities. Published by the Bay Area Stormwater Management Agencies Association (BASMAA). For a copy, call your local planning department, or write to BASMAA, 1515 Clay St., Suite 1400, Oakland CA 94612-3011.

Stream Care Guides

For information on how to maintain or enhance the health of your creek, several publications are available. Here are a few.

Stream Care Guide for Santa Clara County

Published by Santa Clara Valley Water District. Copies are available from the Public Information Office at 5750 Almaden Expwy., San Jose, CA 95118-3686. (408) 265-2600

Streamside Planting Guide for San Mateo and Santa Clara County Streams

Published by the Coyote Creek Riparian Station. For a copy write to Peninsula Conservation Center at 3921 East Bayshore Road, Palo Alto, CA 94303. Call 650/962-9876.

Groundcover, A Planting Guide for Erosion Control and Site Improvement on the Central Coast

Published by the Santa Cruz County Resource Conservation District. Call (408) 688-1562.

For brochures and other publications on erosion control, drainage improvement, and streambank stabilization contact your local Natural Resource Conservation Service/Resource Conservation District office. **For information about the San Mateo County coast region you may contact: San Mateo County Resource Conservation District, 785 Main St., Suite C, Half Moon Bay, CA 94019, (650) 726-4660. For information about the south-bayside region of San Mateo County contact Guadalupe-Coyote Resource Conservation District, 888 N. 1st St., Room 204, San Jose, CA 95112, (408) 288-5888.**

Guidelines for Bank Stabilization Projects: In the Riverine Environments of King County

Published by the King County Department of Public Works, Surface Water Management Department. Seattle, WA. June 1993. For a copy write to King County Office of Finance, 700 5th Ave. Suite 2200, Seattle WA, 98104, (Ask for Guidelines for Bank Stabilization Projects) This guide is very comprehensive and highly recommended. (206) 296-8332.

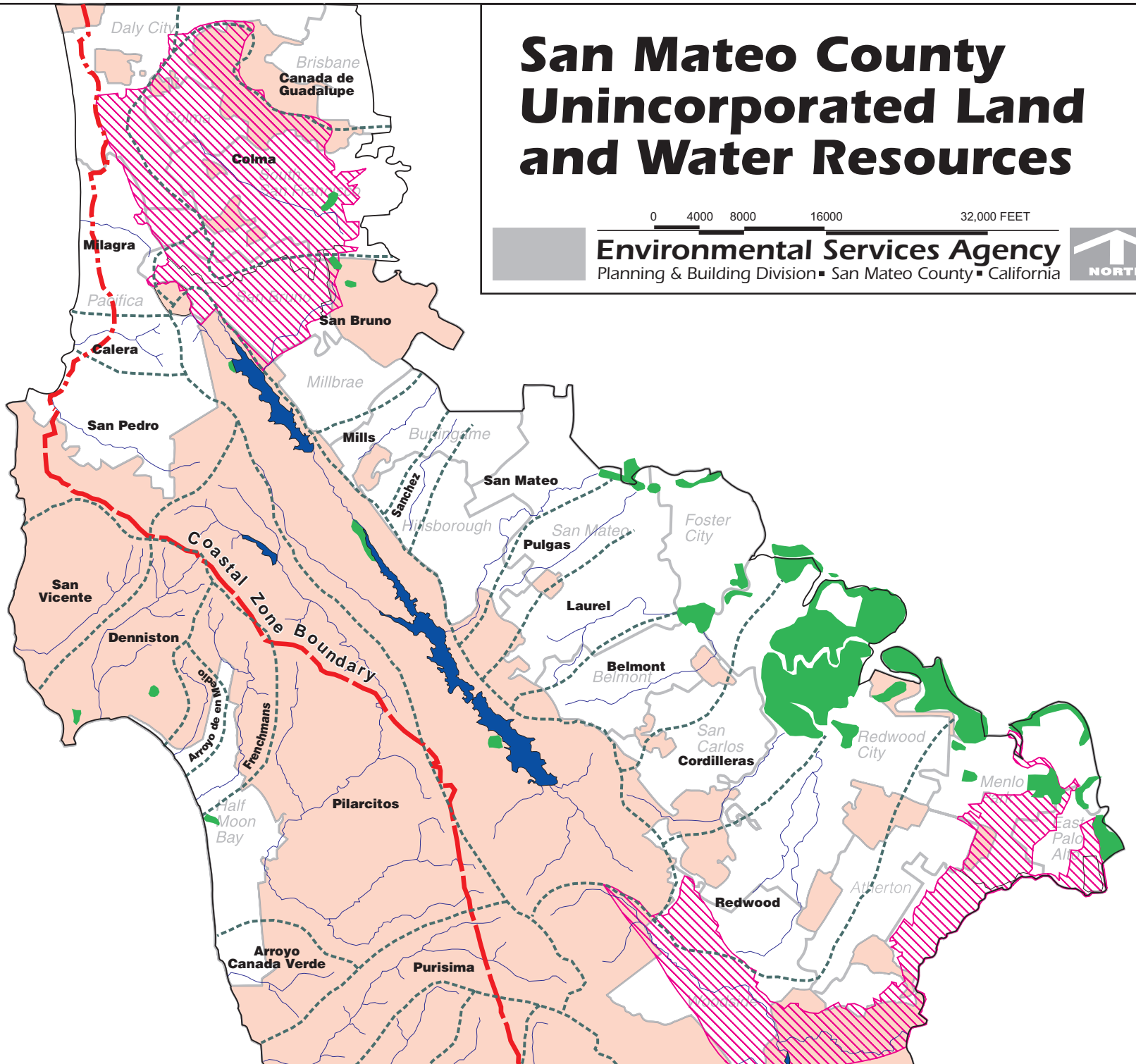
Creek Care Guide for Residences and Businesses

Published by the Rivers, Trails and Conservation Assistance Program, National Park Service. (650) 744-3975.










San Mateo County Unincorporated Land and Water Resources

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Environmental Services Agency
Planning & Building Division ■ San Mateo County ■ California



Legend

-  City Boundaries
-  Unincorporated County Lands
-  Streams
-  Lakes and Reservoirs
-  Watershed Boundaries
-  Flood Control Zones
-  Wetlands
-  Coastal Zone Boundary
-  Daly City/Pacifica Coastal Zone Boundary

Note:
 The creeks and wetlands on this map are perenial. No intermitent creek or seasonal wetlands are identified on this map.

