

# REGULATORY ECOLOGY

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## Salmonid Restoration Federation Conference

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## Workshop Purpose

To help habitat restorationists develop a clear understanding of the process and cost of securing permits, coupled with an appreciation of regulatory constraints that can affect their proposed projects. When habitat restorationists prepare grant proposals they need to budget and schedule for compliance with a myriad of land use and environmental regulations.

## Regulatory Compliance Process

### 1. Identify the project applicant:

Who is responsible and liable for implementing mitigation measures, submitting monitoring reports and ultimately achieving the project's goals to the satisfaction of permitting authorities: Grantee—Property Owner—Grantor-Agency?

### 2. Identify individual project actions:

Each aspect of a project may have an adverse impact that could modify the project if it can be avoided, or mitigated.

- ◆ Access Routes,
- ◆ Equipment Staging Areas,
- ◆ Material Stockpiling,
- ◆ Clearing Vegetation,
- ◆ Temporary Stream Crossings,
- ◆ Timing To Avoid Important Life Cycle Phases Of Wildlife-Fish-Plants,
- ◆ Re-Locating Fish,
- ◆ De-Watering Channels,
- ◆ Construction [Grading-Placement Of Fill-Structures],
- ◆ Mitigation Measures [Protective Soil Mats-Erosion Control-BMPs-Fencing-Pulling Stream Crossings And Roads].

### 3. Identify environmental constraints:

Site specific environmental surveys are often required to determine whether the proposed project will have an adverse impact on protected resources.

- ◆ Agricultural Soils,
- ◆ Waters Of The U.S./State [Tidal Waters Up To Mean High Water, Freshwater Up To Ordinary High Water, Tidelands, Wetlands]
- ◆ Species Of Concern [Listed Pursuant To Either Federal or State Endangered Species Acts or Considered Rare or Endangered Pursuant to CEQA],
- ◆ Vegetative Habitat Types
- ◆ Cultural-Historic Resources

### 4. Identify applicable land use and environmental statutes and agencies:

#### **Federal Statutes**

Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.)  
Rivers and Harbors Act of 1899 (33 U.S.C. 401 et seq.)  
Clean Water Act of 1972 (33 U.S.C. 1251 et seq.)  
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Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.)  
National Historic Preservation Act of 1966 (16 U.S.C. 470 et seq.)  
Fish and Wildlife Coordination Act of 1934 (16 U.S.C. 661 et seq.)  
Magnuson-Stevens Act of 1996 (16 U.S.C. 1801 et seq.)  
Farmland Protection Policy Act of 1981 (7 U.S.C. 4201 et. seq.)  
National Environmental Policy Act of 1969 (42 U.S.C. 4331 et seq.)

#### **State Statutes**

California Endangered Species Act (F.G.C. 2050 et seq.)  
Streambed Alteration Agreement Program (F.G.C. 1600 et. seq.)  
California Coastal Act of 1970 (P.R.C. 30000 et. seq.)  
Porter-Cologne Water Quality Control Act of 1969 (C.W.C. 13000 et. seq.)  
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Humboldt Bay Harbor, Recreation and Conservation District Act of 1970 (Ch. 1283)  
California Environmental Quality Act of 1970 (P.R.C. 21000 et. seq.)

#### **Local Statutes**

General Plan/Local Coastal Program Policy  
Ordinances: Zoning, Flood Hazard, Grading, Sensitive Habitat Protection

#### **Federal Agency**

California Coastal Commission  
U.S. Army Corps of Engineers  
U.S. Army Corps of Engineers-Environmental Protection Agency  
Regional Water Quality Control Boards  
NOAA Fisheries-U.S. Fish and Wildlife Service  
Office of Historic Preservation  
U.S. Fish and Wildlife Service  
NOAA Fisheries  
Natural Resource Conservation Service

#### **State Agency**

California Department of Fish and Game  
California Department of Fish and Game  
California Coastal Commission  
State Water Resources Control Board  
Regional Water Quality Control Boards  
Humboldt Bay Harbor District

#### **Local Agency**

Humboldt County-City of Arcata-City of Eureka  
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### 5. Identify applicable regulatory constraints and revise the project:

Review environmental statutes, agency regulations and hold scoping meetings with applicable agencies to identify constraints and revise the proposed project to comply.

- ◆ No "Net" Loss of Wetlands (Area, Function, Value),
- ◆ No Feasible Less Environmentally Damaging Alternative,
- ◆ Feasible Mitigation Measures that Minimize Adverse Environmental Effects,
- ◆ Maintain or Enhance Biological Productivity, and Functional Capacity,
- ◆ Where Feasible Protect Habitat Values,
- ◆ Maintain and Restore Marine Resources [salt marsh, tidal channels].

### 6. Prepare environmental documents:

Initial Study/Environmental Assessment, EIR/EIS, Biological Assessment,  
Cultural Resources Assessment,  
Mitigation Measures Monitoring and Report Plan

### 7. Prepare permit applications:

Application Fees: County/City CUP/SP/CDP \$2,500.00 to \$5,000.00,  
CEQA-CDFG \$1,250.00, F&G Code 1600 to \$5,000.00, RWQCB \$500.00,  
CCC \$600.00 to \$2,000.00, Humboldt Bay District \$100.00