



State and Federal Permits for Work in Creeks

AGENCY	PERMIT	AREA OF CONCERN
CA Department of Fish and Game (DFG) http://www.dfg.ca.gov/habcon/1600/	1600 Streambed Alteration Agreement	DFG must be notified of any activity that will: <ul style="list-style-type: none"> ▪ substantially divert or obstruct the natural flow of any river, stream or lake; ▪ substantially change or use any material from the bed, channel, or bank of, any river, stream, or lake; or ▪ deposit or dispose of debris, waste, or other material containing crumbled, flaked, or ground pavement where it may pass into any river, stream, or lake. If DFG determines that the activity may substantially adversely affect fish and wildlife resources, a Streambed Alteration Agreement is required.
US Army Corps of Engineers http://www.spn.usace.army.mil/	404 Permit, Section 10 consultation	Section 404 of the Clean Water Act requires Army Corps authorization for work that may result in a sediment discharge into a wetland or stream. Section 10 of the Rivers and Harbors Act requires Corps authorization for work or structures that affect navigable waters.
San Francisco Bay Regional Water Quality Control Board http://www.swrcb.ca.gov/rwqcb2/	401 Certification, Waiver of Waste Discharge Requirement	Section 401 of the Federal Clean Water Act requires certification that actions in or near stream channels do not increase the level of pollutants in streams—including sediment and temperature.
US Fish and Wildlife Service (USFWS) http://endangered.fws.gov/index.html	Incidental Take Permit	USFWS must be consulted for projects that may result in "take" for species listed as either threatened or endangered under the Federal Endangered Species Act. Take means "to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect" listed species. Incidental take means take of listed species while carrying out otherwise lawful activities.
NOAA Fisheries http://www.noaa.gov/fisheries.html	Incidental Take, or Sect. 10 of the ESA	NOAA must be consulted for projects that may affect anadromous fish, such as salmon and steelhead.

Modified from *Stewardship Guide for the Russian River Watershed*, Sotoyome Resource Conservation District.

Useful websites for Marin County regulations:

Look up your zoning:

<http://gis.marinpublic.com/ZoneGPllookup/default.master.aspx>

Marin County Code, Title 22. DEVELOPMENT CODE:

http://www.co.marin.ca.us/comdev/comdev/CURRENT/pdf/DevCode_1-24-2012_final_draft.pdf

Includes information on setbacks, allowable uses, and permit requirements based on zoning.

General information on the building permit process:

http://www.co.marin.ca.us/depts/cd/main/pdf/building_safety/General_Information.pdf

Includes a list of work exempt from a Building Permit.

Marin Countywide Plan:

http://www.co.marin.ca.us/depts/cd/main/fm/cwpcodes/CWP_CD2.pdf

Policies pertaining to Stream Conservation Areas start on page 2-28.

Marin County Code:

<http://library.municode.com/index.aspx?clientID=16476&stateID=5&statename=California>

Chapter 11.08, Watercourse Division or Obstruction describes activities that will need a creek permit. These include any actions that will block or alter streamflow, such as building retaining walls, installing bridge footings, reconstructing an inset floodplain, or depositing garbage, soil, or yard trimmings.



**Information about the applicability
of the SCA (Stream Conservation Area) and WCA (Wetland Conservation Area)**

The Stream Conservation Area (SCA) and Wetland Conservation Area (WCA) policies of the Marin Countywide Plan establish buffer zones that prohibit development within 100 feet of creeks or wetland areas as measured from the top of bank of creek, edge of riparian habitat, and edge of wetlands. The SCA and WCA policies are applied to projects that require discretionary entitlements (also known as Planning Permits, such as Design Review). *In other words, if your project does not trigger the need for a discretionary entitlement (also known as a planning permit), then the SCA and WCA policies do not apply to your project.*

The Marin County Community Development Agency (CDA) Planning Division reviews all development applications in the San Geronimo Valley (Valley). The Valley is predominantly zoned R-1:B-2 and R-1:B-3, which are considered "conventional" single-family zoning districts that have established height, size, and setback requirements. Usually, if a project complies with the established standards no discretionary entitlements are required and although a building permit may be required to construct the project, the policies of the SCA and WCA would not be applied to the project.

Design Review is the most common discretionary entitlement required for development proposals that might require the application of SCA and WCA policies. Design Review can be required in the following instances:

- The project is for a new single-family residence on a vacant, substandard sized lot that contains less than 50% of the required minimum lot area pursuant to the zoning district or the lot-slope ordinance;
- The project is for a residence that exceeds a total building area of 4,000 square feet;
- The project is for a residence on a vacant lot with a slope of 25% or greater and exceeds 3,000 square feet of building area;
- The project involves the development of a "paper street;"
- The proposed building area following the construction would exceed 3,000 square feet and the size of the resulting residence is more than 100% greater than the existing building area as of January 1, 2008;
- The project exceeds a maximum building height in excess of 30 feet;
- The project is located within a Stream Conservation Area of a vacant lot; and,
- The project is located within a "planned" zoning district, such as ARP, RMP or RSP.

If a project involves a deviation from the established standards (e.g., setback encroachment) or is located in a "planned" zoning district, then a discretionary entitlement, such as a Variance, Use Permit, or Design Review may be required before a building permit is issued. In these instances, the policies of the SCA and WCA would be applied to a project (if applicable).

For more information, contact:

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