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Stinson Beach Nature-Based Adaptation Feasibility Study

Study Memorandum 4

date	July 1, 2021
to	Marin County CDA
from	ESA Project Team
subject	Stinson Beach Nature Based Adaptation Permitting Roadmap Task 5 Deliverable for Stinson Beach Nature-Based Adaptation Feasibility Study (ESA Project D17009.00)

1.1 Introduction

This Permitting Roadmap has been prepared for the County of Marin (County), to support planning efforts for the Stinson Beach Nature Based Adaptation Feasibility Study (Study). The Permitting Roadmap includes:

1) A general description of the environmental compliance process expected to be required for the project (Section 1.1);
2) The specific permits and approvals expected to be required for project implementation, as presented in **Table 1** (Section 1.2)
3) Detailed information, by agency, presented in individual 'Agency Summaries' (in Section 1.3 below; and
4) A matrix of the project's anticipated Planning, CEQA, and Permitting Requirements (Attachment A) which outlines the actions typically taken during project planning, CEQA analysis, permitting, and pre-construction through post-construction, in chronological order, and with relevant agencies and responsible parties identified.

To characterize the regulatory framework and environmental compliance process anticipated for the project alternatives described in the Study, the ESA team and County prepared this Permitting Roadmap to identify the permits and approvals expected to be required, procedural requirements for application submittal, typical data/information needed to support permit applications, and regulatory agency contact information. This document was developed following direct regulatory agency outreach and in coordination with relevant local jurisdictions to include their specific permitting requirements as they relate to potential nature-based adaptation projects at Stinson Beach. Agency contact details are included in each of the individual Agency Summaries (Section 1.3).

The information presented in this document represents the specific information provided by agency staff, during individual interviews/discussions and multi-agency meetings convened for this feasibility study. The information and recommendations in the individual agency permitting writeups has been reviewed and edited by agency staff. Staff have provided a significant amount of input on many of the known permitting considerations that would be associated with the types of projects being evaluated in this Study, including identifying the necessary permits/approvals, issues of potential concern, and the necessary studies, surveys and reports. However, staff cannot provide extensive review or definitive answers on whether such a project would be approved, until there is an actual proposed project with preliminary design plans and other required information and analyses.

Overall, the involved agencies are very much in support of nature-based coastal resilience approaches and have stressed the importance of working with agency staff during the planning process, so their feedback and concerns are addressed in the final design. In general, for these types of nature-based adaptation projects, agencies will take into account that short-term disturbances are often necessary for achieving long-term enhancement and resiliency. But if there are opportunities to avoid and minimize impacts, they will want to see that evaluated and also want a clear picture of the maximum benefits the project can achieve over the long term vs. the proposed unavoidable impacts, to get a "balanced" view of the project as a whole.

The overall regulatory compliance process consists of environmental review (pursuant to the California Environmental Quality Act, or CEQA, and - if applicable - the National Environmental Policy Act, or NEPA), followed by permitting and/or agency approvals, and it concludes with compliance review and documentation. Note: compliance review and documentation often begin prior to construction (e.g., with pre-construction surveys or the preparation of focused plans) and typically ends after a certain duration of long-term post-construction monitoring.

Environmental review consists primarily of compliance with the California Environmental Quality Act (CEQA) and, if applicable, NEPA; it also includes compliance with various other federal and state environmental laws, some of which require permits or other forms of discretionary approval. Environmental review (CEQA/NEPA) for nature-based adaptation measures is typically completed, or nearly completed, prior to embarking on the permitting process, since the information developed during the environmental review phase will be used by permitting agencies in reviewing the project and making permit decisions. However, environmental review and permitting should be viewed as an iterative process, and coordination between the permit applicant and regulatory agencies should begin early and reoccur often to ensure that the environmental review documentation will provide the information necessary to satisfy the needs of the permitting and review agencies.

Environmental review for the project will require preparation of CEQA documentation. Compliance with CEQA is required for all projects that necessitate approval or financing by the state or local government or participation by state government. NEPA compliance is required for projects that are sponsored by a federal entity; this can include projects for which a federal agency is the project proponent, projects which would occur on federal land, projects that have federal funding, and/or projects for which a federal agency takes a major federal action (such as issuing a permit). Therefore, NEPA analysis may or may not be required, based on the project specifics.

NEPA and CEQA each require preparation of different documentation. CEQA documentation for nature-based adaptation measures would typically consist of an Initial Study/Mitigated Negative Declaration (IS/MND); NEPA documentation for nature-based adaptation measures, if required, would typically consist of an Environmental

Assessment (EA). Although NEPA and CEQA require different documentation, they can be conducted at the same time and frequently can be combined into a joint NEPA/CEQA document, provided the lead agencies for each process reach an agreement on the document's necessary format and contents.

Note re. CEQA: for this project, Marin County is expected to be the responsible agency for ensuring CEQA compliance, and to serve as the CEQA 'lead' agency, based on the project's location and the County's role in issuing a discretionary approval (grading permit) for the project. The CEQA lead agency is responsible for determining the appropriate level of analysis (CEQA document type, or if it is categorically exempt), preparing the appropriate document, circulating it for review as necessary, and approving it.

Note re. federal compliance: if there is federal involvement with a project (per the examples above), a federal 'lead' agency must be established. The federal 'lead' agency is then responsible for demonstration of project compliance with all federal environmental laws, including NEPA. This often includes conducting federal inter-agency coordination during the 'permitting' phase of a project, to ensure compliance with various federal environmental laws (such as the Endangered Species Act, the National Historic Preservation Act, etc.). For this project, although it is not proposed by a federal agency and does not have federal funding, it could occur partially or wholly on federal land. As such, federal agency involvement includes both the NPS (in granting a Special Use Permit) and the U.S. Army Corps of Engineers' (USACE, in its issuance of a permit for in-water activities). The NPS and USACE would need to reach an agreement on which agency should serve as the federal 'lead' agency for this project, based on their respective levels of involvement and responsibility.

Process for Agency Input and General Permitting Considerations:

The alternatives evaluated in this Feasibility Study, while nature based, would still require extensive construction activities including excavation and placement of sediment. Due to the nature of the proposed activities, geographic location of the sites, environmental sensitivity of the existing ecological habitat, and multiplicity of jurisdictions and regulations involved, the permitting process for any of the alternatives evaluated would require an extensive effort to obtain agency approvals. However, for comparison, the more traditional approach of using hard armoring would present a much larger permitting challenge and compensatory mitigation burden, and would likely not be approved due to environmental impacts and the fact that less ecologically damaging alternatives exist. As with any project involving construction on the California coast, a proposed project in Marin County would require numerous studies, surveys and reports, and an extensive public input process. However, there is much overlap between the information that is required to be submitted for each agency's permitting process. The Planning, CEQA, and Permitting Requirements Matrix (Attachment A) compiles each of these necessary actions into a matrix, along with identifying the relevant agencies, responsible parties, and status for each. The individual Agency Summaries in Section 1.3 contain more detailed agency-specific information and guidance, and Table 1 in Section 1.2 presents the overall required permits/approvals by agency.

If the collaborative work and discussions with agencies occur early and often, then the actual permit application review/approval process can be done much more efficiently. This should include review of CEQA documents, the draft Project Description, information on receiver sites and access routes, and any biological literature reviews, assessments or surveys, information on sediment compatibility and testing requirements, etc. Specific recommendations are provided below in the Agency Summaries.

1.2 Permits and Approvals Required

A summary of the expected permits and/or approvals to be required is presented in **Table 1** below. Detailed information for each Local, State, or Federal agency or jurisdiction expected to require a permit or approval is presented, by agency, in Section *1.3 Agency Summaries,* further below.

TABLE 1
STINSON BEACH NATURE BASED ADAPTATION PROJECT –
SUMMARY OF ANTICIPATED PERMIT & APPROVAL REQUIREMENTS

Agency	Requirement (Permit/Compliance)	Notes, Key Issues & Concerns, Recommendations
Federal Agencies		
U.S. Army Corps of Engineers (USACE)	PERMIT: Section 404/10 Individual Permit or Regional General Permit - *Clean Water Act* (CWA)/ *Rivers and Harbors Act* (RHA)*	• Permits are required for discharges of dredged and/or fill material into federal waters and for structures or work that could affect navigation. • The USACE could issue a one-time Section 404/10 Individual Permit for a term of their discretion and based upon project specifics, or a 'programmatic' Section 404/10 permit, such as a Regional General Permit (RGP), for a term of typically 5-10 years and with an efficient process for renewal. • The federal lead agency (assumed to be the USACE) leads *FESA Section 7* consultations with USFWS and NMFS (see below), and the *NHPA Section 106* review process with the SHPO (see below) as part of its permit process. • For beach fill placement, a Sampling and Analysis Plan (SAP) and Sediment Analysis Report (SAR) are required – and must also be submitted to EPA and RWQCB. • In order for USACE to issue a permit for a project, the proponent must demonstrate that the proposed project is the "least environmentally damaging practicable alternative." For either an Individual Permit or RGP, the USACE permit process includes a Public Notice, requires preparation of an Alternatives Analysis in compliance with the 404(b)(1) Guidelines, and preparation of a NEPA document (expected to be an Environmental Assessment for this project). ***Key Issues/Concerns*:** • Physical, chemical, and biological integrity of waters of the U.S., and navigation. • Compliance with all other federal environmental laws. ***Recommendations*:** • The County should work with USACE to determine if a multi-year Regional General Permit (RGP) is appropriate for the project (5-10 year term)

TABLE 1 (CONTINUED)
STINSON BEACH NATURE BASED ADAPTATION PROJECT –
SUMMARY OF ANTICIPATED PERMIT & APPROVAL REQUIREMENTS

Agency	Requirement (Permit/Compliance)	Notes, Key Issues & Concerns, Recommendations
Greater Farallones National Marine Sanctuary (GFNMS)	COORDINATION/PERMIT: Sanctuary Permit or Authorization - *National Marine Sanctuaries Act* (NMSA); *United States Code of Federal Regulations, Title 15, Part 922*	• Permits are required for activities that would discharge into the sanctuary or cause alteration of the sanctuary's submerged lands. • The GFNMS shoreward Sanctuary boundary is the Mean High Water Line (MHWL). Placement of structures or beach fill below MHWL will require a Sanctuary permit. • It is also prohibited by GFNMS regulations to discharge any material or matter outside Sanctuary boundaries if it subsequently enters the boundaries and "injures" Sanctuary resources. ***Key Issues/Concerns*:** • GFNMS concerns include any type of ecological impacts to Sanctuary resources (with a focus on biological resources and water quality), including potential indirect effects from activities occurring outside the Sanctuary boundary. ***Recommendations:*** • Collaboration with GFNMS staff should be included throughout the planning process including participation in stakeholder meetings, regular project updates and key document review, to ensure that the proposed activities won't have the potential to adversely affect sanctuary resources. A jurisdictional delineation should be conducted to precisely determine the proposed project areas in relation to the MHWL.
National Park Service; Golden Gate Recreational Area (NPS/ GGNRA)	COMPLIANCE/PERMIT: Special Use Permit - *Title 36 of the Code of Federal Regulations.*	• A Special Use Permit is required from GGNRA for construction activities within NPS lands. • GGNRA will need to determine that beach nourishment at Stinson Beach is consistent with NPS Management Policies. • The National Park Service Beach Nourishment Guidance includes detailed regulatory/permitting information and guidelines for minimizing ecological impacts of projects. ***Key Issues/Concerns*:** • GGNRA concerns include potential impacts to public access and any type of ecological impacts from placement of sediment, protection of the creek and dunes, etc.
National Park Service; Golden Gate Recreational Area (NPS/ GGNRA) (cont.)		***Recommendations:*** • Contact GGNRA Planning Division during project planning/design phase to determine permitting/regulatory process/requirements.
U.S. Environmental Protection Agency (EPA)	COMPLIANCE: Sections 401 and 404 - *Clean Water Act* (CWA)	• EPA may review and comment on the *CWA Section 404* permit process, and reviews sediment testing and quality (SAP, SAR). • EPA disposal-related regulations are located at Title 40 CFR Part 230 (40CFR 230). • The *Inland Testing Manual* (ITM) is the key reference document concerning testing of fill material, and compliance with *CWA Section 404(b)(1) Guidelines for evaluation of potential impacts associated with fill placement activities.* ***Key Issues/Concerns*:** • Physical, chemical, and biological integrity of beach fill material, compatibility with receiver site materials. ***Recommendations:*** • Include EPA in agency outreach; consult as needed regarding sand compatibility, testing and analysis.

TABLE 1 (CONTINUED)
STINSON BEACH NATURE BASED ADAPTATION PROJECT –
SUMMARY OF ANTICIPATED PERMIT & APPROVAL REQUIREMENTS

Agency	Requirement (Permit/Compliance)	Notes, Key Issues & Concerns, Recommendations
U.S. Fish and Wildlife Service (USFWS)	COMPLIANCE/PERMIT: Informal Consultation or Biological Opinion - *Section 7 of Federal Endangered Species Act* (FESA) COMPLIANCE: *Migratory Bird Treaty Act* (MBTA)	• Project compliance is required for projects with the potential to adversely affect federally-listed species or designated critical habitats protected by USFWS. • USACE, as the lead federal agency, is responsible for conducting *Section 7 Consultation* with USFWS (or determining 'No Effect,' if applicable) as part of their permit process. ***Key Issues/Concerns*:** • *FESA Section 7*: Potential impacts to federally-listed terrestrial species and/or habitat (e.g. shorebirds including western snowy plovers and listed plants and animal species • MBTA: Potential impacts to migratory bird species.
National Marine Fisheries Service (NMFS)	COMPLIANCE/PERMIT: Informal Consultation or Biological Opinion - *Section 7 of Federal Endangered Species Act* (FESA) COMPLIANCE: Informal Consultation - *Magnuson-Stevens Fishery Management and Conservation Act* (MSA) COMPLIANCE: Coordination/Consultation - *Marine Mammal Protection Act* (MMPA)	• Project compliance is required for projects with the potential to adversely affect federally-listed species or designated critical habitats protected by NMFS • USACE, as the lead federal agency, is responsible for conducting *Section 7* and *MSA Consultations* with NMFS (or determining 'No Effect,' if applicable) as part of their permit process. • *MMPA* compliance and/or permits are sought directly by the applicant from NMFS (if determined necessary). ***Key Issues/Concerns*:** • *FESA Section 7*: Potential impacts to federally-listed aquatic species and/or habitats (e.g., fish and marine mammals). • *MSA:* Potential impacts to *Essential Fish Habitat* (EFH). • *MMPA:* Potential impacts to non-listed marine mammals.

TABLE 1 (CONTINUED)
STINSON BEACH NATURE BASED ADAPTATION PROJECT –
SUMMARY OF ANTICIPATED PERMIT & APPROVAL REQUIREMENTS

Agency	Requirement (Permit/Compliance)	Notes, Key Issues & Concerns, Recommendations
State Agencies		
California Coastal Commission (CCC)	PERMIT: Coastal Development Permit (CDP) - *California Coastal Act* (CCA); *Coastal Zone Management Act* (CZMA)	• All structures in the coastal zone (including beach nourishment projects, according to the CCA) require CCC approval pursuant to *Coastal Act Section 30106.* • A Coastal Development Permit (CDP) would be required for all alternatives, based on their location within the coastal zone. • The CCC will review the CDP application to ensure consistency of the proposed project with the CCA and CZMA. ***Key Issues/Concerns*:** • The use of land and water within the coastal zone, including: views, public access, recreational opportunities, water quality, sediment compatibility, wildlife disturbance, and other CCA/CZMA concerns. • CCC is generally supportive of nature-based adaptation projects and opportunistic beach nourishment consistent with the CCA and CZMA.
State Water Resources Control Board (SWRCB)/ San Francisco Bay Regional Water Quality Control Board (RWQCB)	PERMIT: Section 401 Water Quality Certification*/Waste Discharge Requirements - *Clean Water Act/Porter-Cologne Water Quality Control Act* PERMIT: General Permit for Storm Water Discharges from Construction Activity.	• Any projects with impacts to waters or wetlands that require a USACE Section 404 CWA permit will also require Section 401 Water Quality Certification from the RWQCB. In addition, certain waters or wetlands may be jurisdictional only at the state level, and require Waste Discharge Requirements from the RWQCB (but no Sec 401 Certification). • **A storm water discharge permit is required for projects with the potential to disturb one or more acres of land. This would require the development and implementation of a *Storm Water Pollution Prevention Plan* (SWPPP) and Best Management Practices (BMPs) for construction. • RWQCB can issue a programmatic permit to be concurrent with the USACE's RGP. • RWQCB permits include a fee based on amount of fill placed/acres disturbed. Projects may qualify for a discounted fee for Ecological Restoration and Enhancement Projects. ***Key Issues/Concerns*:** • Water quality, beneficial uses (including biological and human use values). • Physical, chemical, and biological integrity of beach fill material, compatibility with receiver site.
California Department of Fish and Wildlife (CDFW)	COMPLIANCE: California Endangered Species Act (CESA) PERMIT: Incidental Take Permit, if deemed necessary by CDFW.	• If determined unavoidable, 'take' of state-listed species (such as mortality or habitat destruction) requires an Incidental Take Permit (ITP). • CDFW will review and comment on the project's CEQA document(s), to address potential take of state-listed species, and provide recommendations on avoidance and minimization measures to prevent take. • Take of state-listed species can be avoided with implementation of biological mitigation measures (such as seasonal avoidance, pre-construction surveys, selection of specific sand placement methods, and long-term monitoring and adaptive management). If the applicant determines that take of state-listed species or habitat cannot be avoided, then it is possible for CDFW to issue a *CESA Incidental Take Permit (ITP).*
California Department of Fish and Wildlife (CDFW) (cont.)		• Based on the lack of streambeds or lakes at the specific project site(s), a CDFW Section 1600 LSAA is not expected to be required.

TABLE 1 (CONTINUED)
STINSON BEACH NATURE BASED ADAPTATION PROJECT –
SUMMARY OF ANTICIPATED PERMIT & APPROVAL REQUIREMENTS

Agency	Requirement (Permit/Compliance)	Notes, Key Issues & Concerns, Recommendations
		Key Issues/Concerns*:** • *CESA:* potential impacts to California listed species (e.g. bank swallows, listed plants). ***Recommendations: • The County should conduct early outreach to and coordination with CDFW to discuss project details and determine whether an ITP or programmatic ITP may be required or can be avoided, review potential impacts to listed species, and allow opportunity for CDFW staff to provide input on developing any physical and biological monitoring requirements for the project.
California State Lands Commission (CSLC)	PERMIT: Lease Agreement for Utilization of Sovereign Lands - California Public Resources Code; Division 6 State Lands Act	• CSLC jurisdiction begins below MHT; any work or new structures or placement of fill below MHT would require a CSLC Lease. • If the alternative involves work or placement below MHT, then a Lease would be required.
State Historic Preservation Officer (SHPO)	COMPLIANCE/PERMIT: Consultation or Agreement – *Section 106 of National Historic Preservation Act (NHPA)*	• Project compliance is required for projects with the potential to adversely affect certain cultural resources (including historic architecture, and archaeological or paleontological resources, etc.). • USACE, as the lead federal agency, is responsible for conducting *Section 106 Consultation* with SHPO. • Marin County would be responsible for conducting a required *Cultural Resources Inventory*. ***Key Issues/Concerns:*** • potential impacts to archaeological resources, historic buildings or structures, etc.
California Department of Transportation (Caltrans)	PERMIT: Encroachment Permit	• Any project located on or affecting a Caltrans owned or maintained roadway (such as a state highway section or interchange) may require approval by Caltrans in the form of an *Encroachment Permit*. ***Key Issues/Concerns:*** • Potential impacts to traffic, safety ***Recommendations:*** • County should contact Caltrans to determine whether an Encroachment Permit would be required for traffic impacts.
Local Jurisdictions		
County of Marin	PERMITS/ APPROVALS: Potential: grading/construction permits (to be determined during Ph, 2 Permitting) CEQA: Lead Agency	• The project lies primarily within the California Coastal Commission's (CCC) jurisdiction and is, therefore, subject to a CCC Coastal Development Permit rather than a County-issued Coastal Permit. • A ministerial grading permit may be required by the County after the Coastal Development Permit is issued. • It is assumed that the County would be the CEQA lead for the projects being evaluated in this Study. The CEQA lead agency is responsible for determining the appropriate level of analysis (CEQA document type, or if it is categorically exempt), preparing the appropriate document, and approving it. • The CEQA lead agency is also responsible for tribal consultation pursuant to Public Resources Code 21080.3 (Assembly Bill 52)..
Bay Area Air Quality Management District (BAAQMD)	PERMIT: BAAQMD permit	• BAAQMD permits are typically only required for stationary and operational/permanent sources of emissions (such as permanent gravel processing/screening/conveyor equipment, or permanent equipment/facilities), not construction-related transportation or temporary mobile processing, as under the proposed project.

TABLE 1 (CONTINUED)
STINSON BEACH NATURE BASED ADAPTATION PROJECT –
SUMMARY OF ANTICIPATED PERMIT & APPROVAL REQUIREMENTS

Agency	Requirement (Permit/Compliance)	Notes, Key Issues & Concerns, Recommendations
		• Project activities will still need to comply with local and state air quality regulations, to be demonstrated in CEQA analysis. ***Key Issues/Concerns*:** • There may be potential for airborne dust to be carried to downwind sensitive receptors. ***Recommendations:*** • Contact BAAQMD regarding airborne dust and potential need for permit.

1.3 Agency Summaries

This section contains *Agency Summaries*, each of which provides agency contact information, an overview of the agency or jurisdiction's regulatory and permitting considerations including applicable laws and regulations, and agency-specific concerns and considerations. The *Agency Summaries* also provide project-specific guidance and recommendations on the path forward during various 'phases' of the project: project planning and CEQA documentation and review ('Phase I')), project permitting ('Phase II'), and ongoing project implementation and adaptive management ('Phase III'). The information presented in the *Agency Summaries* has been reviewed by staff from each participating agency and reflects current thinking and information at the time of the preparation of this Regulatory Roadmap(mid-2021).

Detailed information for each agency expected to require a permit or other form of approval is provided in the *Agency Summaries* below, in the following order, for applicable federal, state and local jurisdictions:

Federal:

- U.S. Army Corps of Engineers (USACE)
- U.S. Environmental Protection Agency (EPA)
- U.S. Fish and Wildlife Service (USFWS)
- Greater Farallones National Marine Sanctuary (GFNMS)
- National Marine Fisheries Service (NMFS)
- Golden Gate National Recreation Area (GGNRA)

State:

- California Coastal Commission (CCC)
- California Department of Fish and Wildlife (CDFW)
- Regional Water Quality Control Board (RWQCB)
- California State Lands Commission (CSLC)

Local:

- County of Marin

U.S. Army Corps of Engineers (USACE)

Contact

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USACE Requirements for Permitting/Environmental Compliance

***Phase I*: Project Planning and CEQA Documentation and Review**

✓ Provide draft of this USACE "Permitting Roadmap" section to USACE Regulatory Division staff, for review.

☐ Provide USACE Regulatory Division staff with opportunity to review draft Project Description and CEQA/NEPA document(s). It will also be helpful to coordinate with USACE staff on the likely permitting pathway for the project to determine whether an Alternatives Analysis and NEPA documentation will be required, and if so, to aim to prepare project documentation that will meet the USACE's needs while also meeting other agency's similar needs, fi applicable.

☐ Contact USACE Planning (Tom Kendall, Chief), to discuss potential for USACE to construct projects.

☐ Seek USACE Regulatory Division staff input on developing sediment testing and compatibility protocols and physical and biological monitoring requirements for the project.

☐ Contact the Dredged Material Management Office (DMMO), hosted by the USACE and including multiple Bay Area regulatory agencies, for informal input regarding recommended sand testing and compatibility measures as well as potential sand sources.

☐ Conduct a Section 106 cultural resources inventory and site survey.

☐ Conduct site surveys to map existing vegetation communities and habitats, for use in evaluating potential project effects to sensitive biological species and/or habitats. Studies should be suitable for use in CEQA analysis and permitting.

Phase II: Permitting

- NOTE: The USACE would issue a Section 404 and 10 Permit pursuant to the Clean Water Act and Rivers and Harbors Act, respectively, for any project that would place structures or fill, or conduct work, within navigable waters of the U.S.[1]

- NOTE: The most likely permit type for the project would be a new Regional General Permit (RGP), which is considered a 'programmatic' permit type and is authorized via the Individual Permit process. This would require a detailed application including a brief Alternatives Analysis in compliance with the 404(b)(1) Guidelines, a Public Noticing process to adjacent property owners and interested parties, and a brief NEPA analysis and decision document addressing program effects (which is prepared by the USACE but often based on analyses prepared by the applicant).

- NOTE: The Section 404/10 permit process requires demonstration of avoidance and minimization of impacts to waters to the maximum extent practicable and requires demonstration of compliance with other related federal and state environmental laws, prior to permit issuance. See Table 1 above and *Key Points* below for details.

- NOTE: During Phase II, the need for mitigation should be evaluated and, if required, the specifics would be developed during the permitting process. If USACE staff determine that mitigation is required, this would require additional coordination with staff and the preparation of a Compensatory Mitigation Plan.

☐ Conduct pre-application consultation with USACE San Francisco District Regulatory Division, to confirm the most appropriate permit type(s), information requirements, and procedures. This could be done at an existing USACE-facilitated monthly Inter-Agency Pre-Application Meeting (which typically has many agencies in attendance) or an individual project-specific meeting organized by the permittee.

☐ Prepare a Jurisdictional Delineation of Aquatic Resources, to establish the geographic extent of Section 404 and/or Section 10 waters of the U.S. within all project sites, to enable an assessment of impacts.

☐ Prepare and submit Section 404/10 permit application.

☐ Prepare a Monitoring and Adaptive Management Plan for the project.

Phase III: Ongoing Project Implementation and Adaptive Management

☐ Complete permit reporting requirements and renew the existing permit, or apply for a new one, prior to expiration, as applicable.

☐ Provide USACE staff with a notification of any project maintenance, including placement of additional material, and an opportunity to review and comment on plans and documents related to such maintenance or adaptive management actions (as applicable and stipulated by project permits).

☐ Continue to provide any relevant documents or studies as they become available, including monitoring reports, sediment testing and compatibility results, proposed updates to the project, adaptive management plans or measures, etc.

☐ Evaluate project efficacy and monitoring results over the short- and long-term, to implement adaptive management strategies for the project, if appropriate, as identified during Phase II permitting.

[1] See *Agency Background and Regulatory Overview* below for a discussion of USACE jurisdiction.

Key Points:

- The USACE is generally supportive of beach restoration/nourishment projects that would provide protection to ecological habitat from coastal hazards and/or mitigate the impacts of coastal erosion and sea level rise, if properly designed and implemented.
- The USACE follows regulatory restrictions (promulgated by the EPA) for sand (quality and compatibility).
- The USACE must demonstrate compliance with other related federal and/or state environmental laws, prior to permit issuance. These include but are not limited to:
    - Federal Endangered Species Act (FESA) Compliance
        - typically via Section 7 Consultation with USFWS and/or NMFS, as requested by the USACE, if determined necessary
    - National Historic Preservation Act (NHPA) Compliance
        - typically via Section 106 Consultation with the State Historic Preservation Officer (SHPO), as requested by the USACE
    - Coastal Zone Management Act (CZMA) Consistency
        - typically via the Coastal Development Permit process, as led by the California Coastal Commission (CCC) or local jurisdiction with permitting authority
    - State Water Quality Certification
        - In California, as promulgated by the State Water Resources Control Board and/or the Regional Water Quality Control Boards (San Francisco Bay Region, for this project)

Agency Background and Regulatory Overview:

USACE has regulatory authority over activities involving waters of the U.S. pursuant to Section 404 of the Clean Water Act (in ocean waters, up to the High Tide Line[2]) and Section 10 of the Rivers and Harbor Act (in ocean waters, up to the Mean High Water Line). This includes the regulation of any work, development or structure that may cause obstructions to navigable waters of the U.S., or the temporary or permanent placement of dredged and/or fill material within waters of the U.S.

The USACE is the chief decision-making agency for beach nourishment projects, responsible for issuing permits under Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act. USACE disposal-related regulations are located at 33CFR 320-330 and 33 CFR 335-338. For more information on USACE policies, procedures and regulations, refer to the Coastal Sediment Management Workgroup's Beach Restoration Regulatory Guide (BRRG; EIC, 2006).

[2] The USACE's definition of the High Tide Line (HTL) in coastal tidal waters is subject to some discretion and best professional judgement. Generally, it is located somewhere above the Mean Higher High Water (MHHW) and below the Highest Astronomical Tide (HAT), should not include certain extremes (like King tides) or wave runup, and should include some empirical observations if possible. Because of this, the proposed approach to establishing HTL should be discussed with the USACE prior to using it for any program or design decisions.

U.S. Environmental Protection Agency (EPA)

Contact

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EPA Requirements for Permitting/Environmental Compliance

***Phase I*: Project Planning and CEQA Documentation and Review**

- NOTE: although it is not required, EPA staff suggested they should be provided opportunities to review draft CEQA and NEPA documents and other project materials.

✓ Provide a draft of this EPA "Permitting Roadmap" section to EPA staff, for review.

☐ Seek EPA staff input on sediment testing protocol/standards (for both the project site and potential sources of sand for placement) and development of physical and biological monitoring requirements for the project.

***Phase II*: Permitting**

- NOTE: The EPA does not issue permits for a project such as the one being evaluated for Stinson Beach. However, they oversee and may comment on CWA Section 404 permits as issued by the USACE (unless an EPA veto occurs), and they review projects seeking USACE Section 404 permits for compliance with the 404(b)(1) Guidelines. They also typically do impose specific testing and compatibility requirements for sediment placement on beaches, in coordination with USACE.

☐ The USACE permit for the project, which the EPA technically oversees, would need to outline a sediment compatibility protocol based on the approved Sampling and Analysis Plan (SAP) prepared for the project. EPA staff can assist with the development of these protocols during Phase I and Phase II.

☐ Prior to seeking other agency permits, provide EPA staff an opportunity to review sediment testing protocol/standards for in-water dredged and upland excavated sediment.

☐ Prior to seeking other agency permits, provide EPA staff with opportunity to review the preliminary draft Project Description (PD), including information on any proposed receiver sites and an explanation of how the sediment would be handled (e.g., specifics of sand testing and processing/placement). The PD also needs to state that the purpose of the placement of sediment is beneficial reuse, not disposal. EPA would review and comment on proposed locations for placement and how the actual placement project will occur (methods used).

☐ Continue to provide updates and additional project information to EPA as it becomes available. Provide opportunity to comment on any environmental review aspects of project development including sediment testing, monitoring, and compatibility requirements, BMPs, mitigation measures, etc.

***Phase III*: Ongoing Project Implementation and Adaptive Management**

- ☐ Continue to provide to EPA any relevant documents or studies as they become available, including monitoring reports, sediment testing and compatibility results, proposed updates to the project, adaptive management plans or measures, etc.

- ☐ Provide EPA staff with a notification of any project maintenance, including placement of additional material, and an opportunity to review and comment on plans and documents related to such maintenance or adaptive management actions (as applicable and stipulated by project permits or approvals).

Key Points:

- EPA is very supportive of this type of opportunistic beach nourishment/shoreline resiliency project for Marin County, if properly planned and implemented.

- Although no permit would be issued by EPA, they should be involved as key participants in certain aspects of project planning and implementation. While EPA comments on CWA Section 404 permits are generally advisory in nature (unless an EPA veto occurs), they can impose specific testing requirements for sediment placement.

- EPA staff prefers earlier involvement during development of compatibility standards and testing protocols for source sediment. This involvement will be at the advisory level, but will ultimately be required for and incorporated into related permits (such as the USACE Section 404/10 and RWQCB Section 401 permits).

- EPA staff encourage the project's sediment compatibility criteria to be designed with flexibility in mind, to better enable project implementation using a variety of possible sand sources, both at initial construction and during any additional placement activities that may occur during adaptive management.

- EPA staff have identified potential concerns with placement of inland material with high organics or sandstone formation-like materials too high on the upper/dry beach. One of the SCOUP[3] projects in the San Diego region (Fletcher's Cove or Loma Santa Fe Grade Separation) experienced major issues, since placement was high up in the 'dry' and the material compressed and became hardened like cement — it took 3 years for waves to break it up. This should be a consideration when looking at sediment compatibility for certain upland source material.

- If a project involves water that runs off the site (decant water), such as is the case for many dredging/nourishment projects involving wet sediment, then any decant water could be covered under a USACE Nationwide Permit (NWP) 16 (still under CWA Section 404) and through the CWA Section 401 process with the Regional Water Quality Board. This process could then be embodied in the overall permitting for the project.

- EPA does not officially review CEQA/NEPA documents – so don't expect them to automatically receive the document(s) and provide input. Instead, EPA is interested and willing to informally review relevant materials such as the Project Description (including receiver site descriptions and sediment compatibility protocol) or other relevant studies or CEQA/NEPA document(s) sections, which should be provided to EPA if their input is considered beneficial or critical to project success.

[3] SCOUP – Sand Compatibility and Opportunistic Use Program, a component of the California Coastal Sediment Master Plan, as developed by the San Diego Association of Governments with funding from the California Department of Boating and Waterways.

Agency Background and Regulatory Overview:

EPA and USACE are the two main agencies involved in regulating discharges of fill and dredged material in federal waters and/or wetlands. The EPA and USACE use a guidance document called the Inland Testing Manual (ITM) for sediment testing and compatibility determinations. EPA has authority under the CWA Section 404 33 U.S.C 1344, and their disposal-related regulations under the Marine Protection, Research, and Sanctuaries Act are located at Title 40 CFR Parts 220-230 (40CFR 220-230). EPA is responsible for developing and interpreting environmental criteria used to evaluate permit applications, identifying activities and/or aquatic resources that are exempt from permitting, reviewing/commenting on individual permit applications, and enforcing Clean Water Act Section 404 provisions. EPA also has authority to veto USACE permit decisions.

U.S. Fish and Wildlife Service (USFWS):

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USFWS Requirements for Permitting/Environmental Compliance

***Phase I*: Project Planning and CEQA Documentation and Review**

- NOTE: although USFWS typically does not become involved in project review until the USACE approaches them for Section 7 Endangered Species Act (FESA) consultation as a part of the USACE's Section 404/10 permit process, earlier coordination with USFWS should occur, to ensure their input is considered during project development.

✓ Provide a draft of this USFWS "Permitting Roadmap" section to USFWS staff, for review.

☐ Seek USFWS staff input on sand compatibility protocols and placement methods, biological monitoring and adaptive management recommendations, and specific avoidance and minimization measures for western snowy plover and other sensitive species known or expected to be present.

☐ Coordinate with USFWS staff during the planning process to identify and address any potential impacts to federally listed species and/or sensitive habitats by modifying the project design.

***Phase II*: Permitting**

- NOTE: the required FESA Section 7 consultation with USFWS will be the responsibility of the USACE to conduct, as part of their permitting process.

- NOTE: Section 7 FESA consultation pathways may include: 1) a conclusion of no anticipated adverse effects to USFWS-listed species and therefore no requirement for USFWS input/approval; 2) a conclusion of some potential for adverse effects to USFWS-listed species, the development of avoidance and minimization measures, and USFWS concurrence with a determination of 'not likely to adversely affect,' with implementation of the measures; or 3) a conclusion of potential for unavoidable adverse effects to USFWS-listed species, USFWS issuance of a Biological Opinion including provisions for some 'take' of listed species and/or protected habitats, and associated requirements for avoidance, minimization, and mitigation measures.

☐ Continue to provide updates and additional project information as it becomes available. Provide USFWS staff the opportunity to comment on any environmental review aspects of program development including biological monitoring, sediment testing and compatibility requirements, BMPs, mitigation measures, etc.

***Phase III*: Ongoing Project Implementation and Adaptive Management**

- ☐ Continue to provide any relevant documents or studies as they become available, including monitoring reports, sediment testing and compatibility results, proposed updates to the project, adaptive management measures, etc.

- ☐ Provide USFWS staff with relevant documents or surveys regarding the known listed species or habitats as they become available.

- ☐ Evaluate project efficacy and monitoring results with respect to sensitive species and their habitats over the short- and long-term, to implement adaptive management strategies for the project, if appropriate, as identified during Phase II permitting.

- ☐ Provide USFWS staff with a notification of any project maintenance, including placement of additional material, and an opportunity to review and comment on plans and documents related to such maintenance or adaptive management actions (as applicable and stipulated by project permits).

- ☐ Complete permit reporting requirements and renew the existing permit, or apply for a new one, prior to expiration, as applicable.

Key Points:

- USFWS is generally supportive of beach restoration/nourishment projects that would provide protection to ecological habitat from coastal hazards and/or mitigate the impacts of coastal erosion and sea level rise, if properly designed and implemented to protect biological resources. Oftentimes, adverse effects to biological resources (species and/or their habitats) occur during project construction/implementation, but are followed by long-term benefits to these same species/habitats. Therefore, construction/implementation methods must be carefully considered.

- Key USFWS-protected species of concern for the Project at Stinson Beach include: western snowy plover, two-fork clover, and California clapper rail (also known as California Ridgway's rail):

    - Western snowy plovers (*Charadrius alexandrinus nivosus*), Pacific coast population, are present as a wintering population at Stinson Beach, and they occur in the foreshore and backshore within some reaches of the Stinson Beach study area. They are expected to occur in the shoreline segments with the widest profiles. They are less likely to occur within the study area during their breeding season (spring-summer). This federally listed species is highly inconspicuous, and frequently forages and rests in upper intertidal zones with footprints, and adjacent wider backshore beach zones with surface litter or other sparse cover.

    - At least 6 Western snowy plovers were observed at the Stinson Beach study area, during a December 2019 biological survey, foraging and resting along the lower beachface, and resting in human footprint depressions along the upper foreshore, near but below the narrow dry backshore. Western snowy plovers are unlikely to breed at highly populated Stinson Beach, but their presence as wintering groups indicates a need to incorporate project measures to monitor their distribution and movements and avoid disturbance or adverse habitat modification during any project implementation phases.

    - California clapper (Ridgway's) rail (*Rallus obsoletus*) has occurrences noted in the California Natural Diversity Database (CNDDB) on Stinson Beach.

- The two-fork clover has possible occurrences listed by CNDDB on the southern part of Stinson Beach, but this population is possibly extirpated according to the database. Surveys would help to determine the existence and then location of remaining populations, if present. If found, conservation measures should be added to protect the remaining populations in the area.

Agency Background and Regulatory Overview:

The U.S. Fish and Wildlife Service (USFWS) plays a consultative role under Sections 7 and 10 of the Endangered Species Act (FESA). Pursuant to FESA, the lead federal agency responsible for environmental review of a proposed project is required to determine whether or not any species listed as either threatened or endangered under the FESA are present in the study area and to determine whether the project will cause any potentially significant impacts on that species. While these determinations must be made by the federal lead agency, they are typically informed by analyses and recommendations prepared for and provided to the federal lead agency by biological resource specialists (i.e., consultants to the project proponent). As noted above, for this project, the required consultation with USFWS will be the responsibility of the USACE to conduct, as part of their federal permitting process.

The USFWS (and NMFS, see below) both are guided by the same set of regulations under the FESA; however, each agency is exclusively responsible for different listed species. USFWS generally has jurisdiction over terrestrial plants and animals (including sea otters, and including certain fish such as smelt), while NMFS is generally responsible, under FESA, for most listed fish and under the MMPA, marine animals as well as non-listed marine mammals (such as harbor seals, sea lions, elephant seals, etc.).

Greater Farallones National Marine Sanctuary (GFNMS)

Contact

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Website: https://farallones.noaa.gov

GFNMS Requirements for Permitting/Environmental Compliance

***Phase I*: Project Planning and CEQA Documentation and Review**

- NOTE: GFNMS will require an assessment of the potential effects of the placement of sediment on the Bolinas Lagoon ecosystem (for example: will it impact the ecological system, benthic system, and/or the more regional movement of sediment?). GFNMS will need to understand long term impacts of the project on Bolinas Lagoon and Stinson Beach before making a permit decision.

✓ Provide draft of this GFNMS "Permitting Roadmap" section about the Sanctuary to GFNMS staff, for review.

☐ Provide GFNMS staff with opportunity to review draft Project Description and CEQA/NEPA documents.

☐ Seek GFNMS staff input on developing physical and biological monitoring requirements for the project.

☐ Hold discussions with GFNMS staff to solicit input on any potential biological impacts of concern, including those to the subtidal and intertidal species/habitats, and coordinate with GFNMS staff to address any issues throughout the project design process.

☐ If a constructed reef is being proposed, discuss design and material considerations (such as using 'natural' vs. man-made materials, and oyster shells) and the implications for permitting and potential assignment of habitat 'credits' for ecological restoration. Note: GFNMS clarified that use of non-native oysters for coastal resiliency purposes cannot be permitted outside of an approved aquaculture lease boundary.

***Phase II*: Permitting**

☐ NOTE: The project proposes some material placement within the Sanctuary boundaries. If material is proposed for placement below the Mean High Water Line (MHWL) within Sanctuary boundaries, then a GFNMS permit is required. Any habitat restoration/coastal resilience project involving 1) deposition of material below MHWL, 2) placement of any structure on submerged lands of the GFNMS, or 3) discharge of material or matter from beyond the boundary that has the potential to subsequently enter the Sanctuary and injure a Sanctuary resource or quality, requires GFNMS review and approval (i.e. GFNMS permit).

Currently, there are only two permit categories that the project could potentially qualify for: 1) further research or monitoring related to Sanctuary resources and qualities; or 2) projects which assist in managing the Sanctuary. NOTE: beach scraping with construction machinery below the MHWL could not be permitted by GFNMS[4].

- NOTE: GFNMS has specific permit procedures and issuance criteria (§922.83 National Marine Sanctuaries Act) whereby the Director must consider a number of factors in reviewing permit applications. For example, whether: "*The proposed activity will be conducted in a manner compatible with the primary objective of protection of Sanctuary resources and qualities, considering the extent to which the conduct of the activity may diminish or enhance Sanctuary resources and qualities, any potential indirect, secondary or cumulative effects of the activity, and the duration of such effects*". A full list of these factors can be found on this page of the Electronic Code of Federal Regulations website.

- ☐ Continue to provide updates and additional project information as it becomes available. Provide GFNMS staff the opportunity to comment on any environmental review aspects of project development including sediment placement and testing, compatibility requirements, physical and biological monitoring, BMPs, mitigation measures, etc.

- ☐ Prepare and submit a permit application and other required materials, if directed to do so by GFNMS staff. Permit applications and instructions are available on the GFNMS Website: https://farallones.noaa.gov/eco/permits/.

***Phase III*: Ongoing Project Implementation and Adaptive Management**

- ☐ Continue to provide to GFNMS with any relevant documents or studies as they become available, including monitoring reports, sediment testing and compatibility results, proposed updates to the project, adaptive management measures, etc.

- ☐ Provide GFNMS staff with a notification of any project maintenance, including placement of additional material, and an opportunity to review and comment on plans and documents related to such maintenance or adaptive management actions (as applicable and stipulated by project permits).

- ☐ Complete permit reporting requirements and renew the existing permit, or apply for a new one, prior to expiration, as applicable.

Key Points:

- GFNMS is generally supportive of habitat restoration/nourishment projects that would restore and provide protection to ecological habitat from coastal hazards and/or mitigate the impacts of coastal erosion and sea level rise to natural resources, if properly designed and implemented. However, a permit can only be issued if the ecosystem restoration benefits outweigh the negative environmental impacts of a project.

- Collaboration with GFNMS staff should be included throughout the planning process including participation in stakeholder meetings, regular project updates and key document review, to ensure that the proposed activities won't directly or indirectly adversely affect sanctuary resources.

[4] Maria Brown, personal communication, 11/04/20 West MAG zoom meeting.

Agency Background and Regulatory Overview:

The Office of National Marine Sanctuaries, a division of NOAA, administers the 14 national marine sanctuaries. A National Marine Sanctuary is a federally designated area within United States waters that protects areas of the marine environment with special conservation, recreational, ecological, historical, cultural, archeological, scientific, educational, or aesthetic qualities.

GFNMS was designated in 1981 in accordance with the National Marine Sanctuaries Act (NMSA) and is managed under the authority of the Act. Under the NMSA, GFNMS has the ability to grant permits for prohibited activities and enforce regulations, provided that the activities meet certain criteria such as having, at most, short-term and negligible adverse effects on sanctuary resources and qualities (15 CFR Part 922, Subpart H). The mission of the sanctuaries, which is to understand and protect the ecosystem and cultural resources of coastal California, is carried out through resource protection, research, education, and public use. As such, the Sanctuaries address a wide range of resource protection issues within their boundaries, and reduce or prevent detrimental human impacts on sanctuary resources through collaborative partnering efforts, regulations and permits, emergency response, enforcement and education.

The Farallones sanctuary implements and enforces seventeen federal regulatory prohibitions within the GFNMS area designed to preserve and protect the natural and cultural resources and qualities of the ocean and estuarine areas within the boundaries of the sanctuaries. For a beach restoration project at Stinson Beach, there are several of these prohibitions that could pertain, and thus trigger the need for GFNMS review and permitting. These are summarized below:

1) *Discharging or depositing, from within or into the Sanctuary, any material or other matter (with the exception of certain activities, such as fish parts from lawful fishing activities, treated vessel sewage, clean deck wash down, etc.)*
2) *Discharging or depositing, from beyond the boundary of the Sanctuary, any material or other matter that subsequently enters the Sanctuary and injures a Sanctuary resource or quality (with the exception of several activities unlikely to be applicable to the activities considered in this Study).*
3) *Drilling into, dredging or otherwise altering the submerged lands of the Sanctuary; or constructing, placing, or abandoning any structure, material, or other matter on or in the submerged lands of the Sanctuary (with the exception of several activities, such as boat anchoring, lawful fishing, certain types of aquaculture activities, and harbor maintenance projects).*
4) *Taking or possessing (disturbing or injuring) any marine mammal, sea turtle, or bird within or above the Sanctuary, except as authorized by the Marine Mammal Protection Act, Endangered Species Act, or Migratory Bird Treaty Act (regardless of intent).*
5) *Introducing or otherwise releasing from within or into the Sanctuary an introduced species (with the exception of striped bass and some shellfish species approved for aquaculture).*
6) *Disturbing marine mammals or seabirds by flying motorized aircraft at less than 1,000 feet over the waters within any of the seven designated Special Wildlife Protection Zones. Failure to maintain a minimum altitude of 1,000 feet above ground level over such waters is presumed to disturb marine mammals or seabirds. (Stinson Beach and the surrounding area is in one of these seven zones. Motorized aircraft include flying Unmanned Aerial Systems/drones.)*

National Marine Fisheries Service (NMFS)

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NMFS Requirements for Permitting/Environmental Compliance

***Phase I*: Project Planning and CEQA Documentation and Review**

- ☐ NOTE: although NMFS typically does not become involved in project review until the USACE approaches them for Section 7 Endangered Species Act (FESA) consultation as a part of the USACE's Section 404/10 permit process, earlier coordination with NMFS should occur, to ensure their input is considered during project development.

- ✓ Provide a draft of this NMFS "Permitting Roadmap" section to NMFS staff, for review.

- ☐ Seek NMFS staff input on sand compatibility protocols and placement methods, as well as developing physical and biological monitoring requirements for the project, and adaptive management recommendations, as well as specific avoidance and minimization measures for sensitive species known or expected to be present.

- ☐ Coordinate with NMFS staff during the planning process to identify and address any potential impacts to federally listed species and/or sensitive habitats by modifying the project design.

***Phase II*: Permitting**

- NOTE: the required FESA Section 7 consultation with NMFS will be the responsibility of the USACE to conduct, as part of their permitting process. In contrast, if non-listed marine mammals could be adversely affected, the project proponent would request a permit (IHA or LOA) pursuant to the MMPA directly from NMFS Protected Resources Division.

- NOTE: Section 7 FESA consultation pathways may include: 1) a conclusion of no anticipated adverse effects to NMFS -listed species and therefore no requirement for USFWS input/approval; 2) a conclusion of some potential for adverse effects to NMFS-listed species, the development of avoidance and minimization measures, and NMFS concurrence with a determination of 'not likely to adversely affect,' with implementation of the measures; or 3) a conclusion of potential for unavoidable adverse effects to NMFS -listed species, NMFS issuance of a Biological Opinion including provisions for some 'take' of listed species and/or protected habitats, and associated requirements for avoidance, minimization, and mitigation measures.

- ☐ Continue to provide updates and additional project information as it becomes available. Provide NMFS staff the opportunity to comment on any environmental review aspects of project development including biological monitoring, sediment testing and compatibility requirements, BMPs, mitigation measures, etc.

***Phase III*: Ongoing Project Implementation and Adaptive Management**

- ☐ Continue to provide any relevant documents or studies as they become available, including monitoring reports, sediment testing and compatibility results, proposed updates to the project, adaptive management measures, etc.

- ☐ Evaluate project efficacy and monitoring results with respect to sensitive species and their habitats over the short- and long-term, to implement adaptive management strategies for the project, if appropriate, as identified during Phase II permitting.

- ☐ Provide NMFS staff with a notification of any project maintenance, including placement of additional material, and an opportunity to review and comment on plans and documents related to such maintenance or adaptive management actions (as applicable and stipulated by project permits).

- ☐ Complete permit reporting requirements and renew the existing permit, or apply for a new one, prior to expiration, as applicable.

Key Points:

- We will want to confirm whether beach haul-outs for marine mammals occur at any of the project sites or in the project construction areas (if so, an Incidental Harassment Authorization, or IHA, may be required).

- The project will need to analyze potential effects to listed species and Essential Fish Habitat (in a Biological Assessment document) for the federal lead agency's review and use in Section 7 FESA and/or MSA consultations, if appropriate.

Agency Background and Regulatory Overview:

Similar to USFWS (above), NMFS is the federal agency responsible for managing, protecting, and conserving living marine resources and their habitats throughout the Exclusive Economic Zone (typically, waters between 3 and 200 miles offshore).

NMFS becomes involved with projects by the way of providing consultation pursuant to Sections 7 and 10 of the Endangered Species Act (FESA), which governs potential impacts of various activities to species and habitats that are either federally listed or proposed for listing. NMFS also reviews project proposals for their potential impacts to essential fish habitat (EFH) under the Magnuson-Stevens Fishery and Management Conservation Act (MSA).

Pursuant to FESA, the lead federal agency responsible for environmental review of a proposed project is required to determine whether or not any species listed as either threatened or endangered under the FESA are present in the study area and to determine whether the project will cause any potentially significant impacts on that species. While these determinations must be made by the federal lead agency, they are typically informed by analyses and recommendations prepared for and provided to the federal lead agency by biological resource specialists (i.e., consultants to the project proponent). As noted above, for this project, the required consultation with NMFS will be the responsibility of the USACE to conduct, as part of their federal permitting process.

NMFS (and USFWS, see above) both are guided by the same set of regulations under the FESA; however, each agency is exclusively responsible for different listed species. NMFS is generally responsible for most listed fish and marine animals. USFWS generally has jurisdiction over terrestrial plants and animals.

Finally, pursuant to the Marine Mammal Protection Act (MMPA), NMFS is responsible for protection of most non-FESA-listed marine mammal species found in the region (such as seals, sea lions, elephant seals, etc.). Consultation and/or permitting under the MMPA is conducted through NMFS Protected Resources Division in Silver Spring, MD, and is done directly between the applicant and NMFS.

Golden Gate National Recreation Area (GGNRA)

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GGNRA Requirements for Permitting/Environmental Compliance

***Phase I*: Project Planning and CEQA Documentation and Review**

- NOTE: Access to and along the beach will be a key issue for GGNRA that must be addressed during project planning. Currently, public access down to the beach can be challenging in areas where a sacrificial sand berm is constructed to provide protection from winter storms. Depending upon the project design, a temporary staircase, boardwalk or other accessway may be required to facilitate access. This access issue should be discussed with NPS staff early in the planning/design process.

✓ Provide draft "Permitting Roadmap" section about GGNRA, to NPS staff for review.

☐ Provide GGNRA staff with opportunity to review draft project description and CEQA documents.

☐ Review National Park Service Beach Nourishment Guidance[5] and ensure that the project design and proposed monitoring program is consistent with the guidelines in that document.

☐ Seek GGNRA staff input on developing physical and biological monitoring requirements for the project.

☐ County and GGNRA staff should meet to discuss GGNRA's potential role in planning/implementation for Stinson Beach projects, including coordination mechanisms and roles and responsibilities for each jurisdiction. These discussions would occur as distinct meetings, not as part of the West Marin Advisory Group (WMAG) meetings that the County and GGNRA also will participate in.

☐ County should contact GGNRA Planning staff to discuss the project design and environmental review/permitting process.

***Phase II*: Permitting**

- NOTE: Any proposed nature-based adaptation project within NPS jurisdiction will require a Special Use Permit from GGNRA. County should continue to engage with GGNRA Planning division to establish requirements for the permitting/environmental review process.

[5] Dallas, K. L., J. Eshleman, and R. Beavers. 2012. National Park Service beach nourishment guidance. Natural Resource Technical Report NPS/NRSS/GRD/NRTR—2012/581. National Park Service, Fort Collins, Colorado.

- NOTE: GGNRA concerns include protection of the creek and dunes; potential impacts to public access; and any type of ecological impacts from placement of sediment, protection of the creek and dunes, etc.

- ☐ At the onset of the permitting process, coordinate with GGNRA staff to schedule a project presentation/discussion at a GGNRA Project Review Meeting, where representatives from various divisions within the NPS can provide feedback on the project design and permitting process.

- ☐ Invite GGNRA Planning/Permitting staff to participate in a multi-agency pre-application permitting meeting/site visit, to discuss the proposed project and identify potential issues of concern.

- ☐ Continue to provide updates and additional project information as it becomes available. Provide GGNRA staff the opportunity to comment on any environmental review aspects of project development including sediment testing, monitoring, and compatibility requirements, BMPs, mitigation measures, etc.

***Phase III*: Ongoing Project Implementation and Adaptive Management**

- ☐ Continue to provide GGNRA staff with any relevant documents or studies as they become available, including monitoring reports, sediment testing and compatibility results, proposed updates to the project, adaptive management measures, etc.

- ☐ Provide GGNRA staff with a notification of any project maintenance, including placement of additional material, and an opportunity to review and comment on plans and documents related to such maintenance or adaptive management actions (as applicable and stipulated by project permits).

- ☐ Complete permit reporting requirements and renew the existing permit, or apply for a new one, prior to expiration, as applicable.

Key Points:

- GGNRA doesn't have an official stance on nature-based adaptation projects, however there is precedent for ongoing large opportunistic beach nourishment projects being implemented on GGNRA land at Ocean Beach in San Francisco. GGNRA's Restoration and Management Priorities include: 1. Stop habitat loss, 2. preserve local biodiversity, and 3. engage visitors with the great outdoors.

- The 2006 NPS Management Policies (NPS 2006) provide important considerations for evaluating when beach nourishment should, or should not, take place in a park unit. GGNRA will need to determine that beach nourishment at Stinson Beach is consistent with NPS management policies.

- The National Park Service Beach Nourishment Guidance (Natural Resource Technical Report NPS/NRSS/GRD/NRTR—2012/581) addresses NPS policy considerations, sediment compatibility considerations, project design considerations aimed at minimizing impacts, monitoring requirements, and permits and regulations.

- Western snowy plovers, while found in some of the other Stinson Beach reaches, are not found within the areas where NPS has jurisdiction.

Agency Background and Regulatory Overview:

There are a number of Federal and State laws and regulations that protect National Park sites including Golden Gate National Recreation Area (GGNRA). In addition to the general NPS regulations in Title 36 of the Code of Federal Regulations each national park site has specific local regulations established under the Superintendent's

discretionary authority under Title 36 CFR. These regulations are compiled annually and available on the GGNRA park website and in print at park headquarters. The June 17, 2020 edition of the Superintendent's Compendium, which includes these site-specific rules and regulations, is currently being enforced.

The GGNRA's mission is to preserve and enhance the natural, historic and scenic resources of the lands north and south of the Golden Gate for the education, recreation and inspiration of people today and in the future. GGNRA was established by Congress in 1972 to offer a national park experience to a diverse urban population, while preserving and interpreting the park's outstanding natural, historic, scenic, and recreational values.

One of the largest urban parks in the world, GGNRA welcomes over 17 million visitors a year. The park is as diverse as it is expansive; it contains attractions such as Alcatraz Island, Crissy Field, the Marin Headlands and Rancho Corral de Tierra. GGNRA also includes significant historical and natural resources and houses the largest museum collection in the NPS. Over half of North American avian species and nearly one third of California's plant species are found in the park. GGNRA includes 83,000 acres throughout 91 miles of shoreline.

California Coastal Commission (CCC)

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CCC Requirements for Permitting/Environmental Compliance

***Phase I*: Project Planning and CEQA Documentation and Review**

- NOTE: CCC staff will review all CEQA documents and should also be given an opportunity to provide input and review of project documents including the project description, project purpose, project design, project plans, biological assessments, coastal hazard assessment, survey results, etc. It is also helpful to coordinate with CCC staff on alternatives to be examined through the CEQA process, prior to the process moving forward.

✓ Provide draft "Regulatory Roadmap" section about the Coastal Commission, to CCC staff for review.

☐ Through the initial conceptual development of the project, allow opportunity for CCC staff to provide input on the following: project description, project design, project purpose, project plans, project alternatives, identification of biological impacts and potential mitigation requirements, development of any restoration plans associated with the project, developing physical and biological monitoring requirements for the project, and developing monitoring, maintenance, and adaptive management plans for the project.

☐ Work with CCC and County staff to determine coastal development permit (CDP) jurisdictional boundaries in the proposed project area and explore the potential option for a *consolidated* CDP (see below for more details on this permit type).

☐ If it is likely that a consolidated CDP would be pursued, there should be adequate stakeholder outreach and input gathered at the local level prior to finalizing the design and submission of a CDP to the Commission.

***Phase II*: Permitting**

- NOTE: If the work would occur within areas of both the County and CCC CDP jurisdictional areas, the Applicant could pursue a consolidated CDP through the CCC if all parties agree to such a process. This will allow for a more efficient and effective CDP process. However, during the permitting phase this will require close coordination between the CCC, County and any other involved parties. A multi-year permit can have a term of at least 5 (and up to 20) years, depending on the nature of the project.

- NOTE: Federal park projects in the Coastal Zone are not subject to County-issued coastal permits. LCP policies regarding recreational uses within Point Reyes National Seashore and Golden Gate National Recreation Area simply provide guidance to both the NPS and CCC, which typically review federal projects under what is known as the Federal Consistency Review Authority. However, all non-federal development that occurs on federal lands is subject to CDP review by the CCC.

- ☐ Pre-application discussions and project development should occur in advance of submitting the permit application. This includes cooperation between County and CCC staff throughout the environmental review process as discussed above. If the collaborative work and discussions occur early and often, then the actual permit application review/approval process can be done much more efficiently. This should include review of CEQA documents, the draft Project Description, information on receiver sites and access routes, and any biological literature reviews, assessments or surveys, information on sediment compatibility and testing requirements, etc.

- ☐ During the pre-application process, determine specifics of information submittal requirements.

- ☐ Prepare and submit permit application. Applications are available on the CCC website: https://documents.coastal.ca.gov/assets/cdp/CDP_Application_Form_ncc.pdf

- ☐ Once the permit is processed and approved, the County and any other co-applicants will then adopt the CDP through an agreement letter, a resolution or other agreed-upon legal mechanism. Any agreement should stipulate who will handle the required CDP conditions.

***Phase III*: Ongoing Project Implementation and Adaptive Management**

- ☐ Continue to provide CCC staff with any documents or studies required by any approved CDP conditions,(e.g., monitoring reports, sediment testing and compatibility results, proposed updates to the project, adaptive management measures, etc.)

- ☐ Provide CCC staff with a notification of any project maintenance, including placement of additional material, and an opportunity to review and comment on plans and documents related to such maintenance or adaptive management actions (as applicable and stipulated by project permits).

- ☐ Complete permit reporting requirements and renew the existing permit, or apply for a new one, prior to CDP expiration, as applicable.

Key Points

- CCC Staff are generally very supportive of these types of opportunistic beach restoration projects; however, there are concerns that they would need to see addressed. If the purpose of the project is in part to serve as shoreline protection for existing development (as opposed to a restoration project primarily for restoration purposes), then it will need to be evaluated similar to other shoreline protection under the Coastal Act and must meet the following tests: (1) the shoreline protection is proposed to protect an "existing structure" (i.e., structures built prior to January 1, 1977 and have not been redeveloped since) or public beach or to serve a coastal-dependent use; (2) the existing structure or coastal dependent use is in danger from erosion; (3) shoreline-altering construction is required to protect the existing threatened structure or coastal dependent use (in other words, is the least environmentally feasible alternative); and (4) the required protection is designed to eliminate or mitigate its adverse impacts on shoreline sand supply and impacts to public access and recreation. Thus, information regarding the historical development (and redevelopment) and permitted status of development behind the living shoreline may be needed as part of the CDP application materials.

Biological concerns may also include habitat conversions, how/where the sand is placed, the allowable volumes of sediment at each project site, and the quality/compatibility of the sediment.

- Protecting public access, both vertical and lateral, is one of the primary mandates of the CCC and therefore, any proposed project must address potential impacts to public access and recreation in the project area and mitigate for potential impacts through the development of in-kind public access areas and facilities or through an in-lieu fee. California Coastal Act (Section 300001.5) states that one of the basic goals is to "*maximize public access to and along the coast and maximize public recreational opportunities in the coastal zone consistent with sound resources conservation principles and constitutionally protected rights of private property owners*."

- Non native invasive species are another concern of the CCC. In Stinson Beach there is a lot of European beachgrass (*Ammophila*) on the existing dunes. A proposed project would need to mitigate for that and provide a strategy to keep it from invading the new dune. In certain cases where nonnative sand material is moved to a beach, CCC staff have advocated removing native sand and using it as a topper for nonnative sand.

- The CCC permitting process will require public involvement. If there is opposition or public controversy surrounding the proposed project, then that can delay the permitting process. CCC staff recommend hosting public workshops during the early stages of project development so feedback can be incorporated into the project prior to the permit application phase.

- The permit process also requires significant stakeholder notification. For example, the applicants will need to identify and notify all property owners within 100 feet of any project site, at a minimum, as well as all known and interested parties. Once permit applications have been submitted, public notices must be placed in visible locations at/near the project site. There are similar permitting requirements for other agencies as well.

- Since the applicant(s) will be a local government entity, there are no anticipated CCC permit fees.

Agency Background and Regulatory Overview

The California Coastal Commission (CCC) was established by voter initiative in 1972 (Proposition 20) and later made permanent by the Legislature through adoption of the California Coastal Act of 1976.

In partnership with coastal cities and counties, the CCC plans and regulates the use of land and water in the coastal zone. Development activities, which are broadly defined by the Coastal Act to include (among others) construction of buildings, divisions of land, and activities that change the intensity of use of land or public access to coastal waters, generally require a coastal permit from either the CCC or the local government.

The Coastal Act includes specific policies (see Division 20 of the Public Resources Code) that address issues such as shoreline public access and recreation, lower cost visitor accommodations, terrestrial and marine habitat protection, visual resources, landform alteration, agricultural lands, commercial fisheries, industrial uses, water quality, offshore oil and gas development, transportation, development design, power plants, ports, and public works. The policies of the Coastal Act constitute the statutory standards applied to planning and regulatory decisions made by the CCC and by local governments, pursuant to the Coastal Act.

One of the most significant provisions of the federal CZMA gives state coastal management agencies regulatory control (federal consistency review authority) over all federal activities and federally licensed, permitted or

assisted activities, wherever they may occur (i.e., landward or seaward of the respective coastal zone boundaries fixed under state law) if the activity affects coastal resources.

California's coastal management program is carried out through a partnership between state and local governments. Implementation of Coastal Act policies is accomplished primarily through the preparation of Local Coastal Programs (LCPs) that are required to be completed by each of the 15 counties and 61 cities located in whole or in part in the coastal zone. Completed LCPs must be submitted to the CCC for review and approval. An LCP includes a land use plan (LUP) which may be the relevant portion of the local general plan, including any maps necessary to administer it, and the zoning ordinances, zoning district maps, and other legal instruments necessary to implement the land use plan. Coastal Act policies are the standards by which the CCC evaluates the adequacy of LCPs.

Development within the coastal zone may not commence until a CDP has been issued by either the CCC or a local government that has a Commission-certified LCP. After certification of an LCP, coastal development permit authority is delegated to the appropriate local government, but the CCC retains original permit jurisdiction over certain specified lands (such as tidelands and public trust lands). The CCC also has appellate authority over development approved by local governments in specified geographic areas as well as certain other developments.

California Department of Fish and Wildlife (CDFW)

Contact:

For Marine Region (any potential impacts below Mean High Water [MHW]):

Arn Aarreberg – Environmental Scientist
(707) 791-4195; Arn.Aarreberg@wildlife.ca.gov

California Department of Fish and Wildlife, Marine Region
3637 Westwind Blvd., Santa Rosa, CA 95403

For Bay-Delta Region (Terrestrial and above MHW):

Amanda (Mandy) Culpepper – Environmental Scientist
(707) 428-2075; Amanda.Culpepper@wildlife.ca.gov

California Department of Fish and Wildlife, Bay-Delta Region
2825 Cordelia Rd. #100
Fairfield, CA 94534

CDFW CEQA/CESA Resources:

Website: https://www.wildlife.ca.gov/Conservation/Environmental-Review

CDFW Native Plant Resources:

Website: https://www.wildlife.ca.gov/Conservation/Plants

Note: the updated survey protocol link can be found on this page, under Information on Rare, Threatened and Endangered Plants and Natural Communities.

Survey and Monitoring Protocols can also be found here:
Website: https://www.wildlife.ca.gov/Conservation/Survey-Protocols#377281280-plants

CDFW Requirements for Permitting/Environmental Compliance:

***Phase I*: Project Planning and CEQA Documentation and Review**

- NOTE: CDFW will review all CEQA documents but should also be given an opportunity to provide early input and review of the Project Description (PD), biological assessments, etc. prior to the release of draft CEQA documents. For example, provide CDFW staff with opportunities to review the preliminary draft Project Description, information on project sites and access routes, sediment analysis results, and any biological literature reviews, assessments or surveys.

- NOTE: Because there is no existing jurisdiction (i.e., streambeds or lake resources) pursuant to CDFG Code Section 1600 within the proposed project site(s), a CDFW Section 1600 Lake and Streambed Alteration Agreement (LSAA) is not expected to be required.

✓ Provide draft of this CDFW "Regulatory Roadmap" section to CDFW staff for review.

☐ Provide PD and other materials described above to CDFW staff for opportunity to review.

☐ Coordinate with CDFW staff during the planning and design process to identify and address any ecological issues of concern and determine what surveys will be required.

Phase II: Permitting

- NOTE: The project should be designed to avoid any 'take' of listed species or habitat. However, if take of state-listed species or habitat cannot be avoided, it will be necessary for CDFW to issue a *CESA Incidental Take Permit (ITP).* The ITP process is complicated and could take a long time to complete, including negotiating often-costly compensatory mitigation, etc. Therefore, the preferred strategy is to avoid and/or mitigate adverse impacts so that no ITP is needed.

- ☐ Conduct early outreach to CDFW to determine whether an ITP may be needed or can be avoided. If avoidance of 'take' is not possible, coordinate with CDFW to determine whether a standard ITP, or possibly a programmatic ITP, is required.

- ☐ Provide CDFW information related to terrestrial project activities and potential impacts to state-protected wildlife resources. This will allow CDFW staff to coordinate review of potential impacts to listed species.

- ☐ Allow opportunity for CDFW staff to provide input on developing any physical and biological monitoring requirements for the project.

- ☐ Coordinate with CDFW staff to ensure thorough baseline surveys are conducted during project development and before finalizing design plans. This is important because distribution of species (especially plants) can change significantly over time. Note: In addition to the baseline surveys, additional surveys will be required as individual projects are implemented.

Phase III: Ongoing Project Implementation and Adaptive Management

- NOTE: in addition to the baseline surveys likely to be required during Phase II, surveys would likely be required just prior to project construction and each subsequent placement/maintenance activity, to address natural variations in species populations, distribution, etc. Reference sites for similar species may be used to indicate ideal survey timing, esp. for listed plants.

- ☐ Continue to provide CDFW staff with any relevant documents or studies as they become available, including monitoring reports, sediment testing and compatibility results, proposed updates to the project, adaptive management measures, etc.

- ☐ Provide CDFW staff with a notification of any project maintenance, including placement of additional material, and an opportunity to review and comment on plans and documents related to such maintenance or adaptive management actions (as applicable and stipulated by project permits).

- ☐ Complete permit reporting requirements and renew the existing permit, or apply for a new one, prior to expiration, as applicable.

Key Points:

- Completing good initial biological surveys is highly encouraged by CDFW staff. They also view impact avoidance and minimization as the preferred approach rather than issuing an ITP. Coordination with CDFW throughout project development and CEQA will help ensure the project is designed to avoid or mitigate potential impacts that would otherwise require an ITP.

- CDFW staff point out that early consultation is extremely valuable so that planning doesn't get too far along without knowing the red flags for CDFW. Providing an early opportunity for document review is also encouraged by CDFW staff. This would allow potential issues of concern to be identified and addressed early on in the process to avoid later delays.

- The CDFW website has good resources and species lists: www.wildlife.ca.gov/Conservation
- There are no state Marine Protected Areas (MPAs) in the vicinity of the project area.
- CDFW concerns include terrestrial impacts to listed species in sensitive dune habitats. Also of concern would be incompatible grain size, indirect impacts to adjacent habitat (from migration of sediment/materials after placement), smothering of rocky nearshore habitat, and, if pumping of sediment is necessary then entrainment/impingement impacts to species that reside in the water column or sand could be a concern.

Agency Background and Regulatory Overview:

The California Department of Fish and Wildlife (CDFW; formerly the California Department of Fish and Game or CDFG) maintains the California list of threatened and endangered species. Under the California Endangered Species Act (CESA) it is illegal to 'take' any species that are listed under CESA as endangered and threatened. 'Take' is defined roughly as any activity resulting in direct mortality, permanent or temporary loss of occupied habitat that would result in mortality or disruption in reproduction to one or more individuals of the species. CDFW may evaluate a proposed project's potential to negatively affect species listed as either endangered or threatened in the state. In certain cases, an *Incidental Take Permit* (ITP) may be required (see info above). CDFW often becomes involved in proposed projects through reviewing and commenting on CEQA/NEPA documents (Environmental Impact Reports or Environmental Impact Statements).

CDFW also protects the state's fish and wildlife resources associated with lakes and streams pursuant to CDFG Code Section 1600, by issuing Lake and Streambed Alteration Agreements (LSAAs) for projects which propose to divert flows from or otherwise substantially alter these lake and stream resources. Note: as mentioned previously, as there are no streambeds or lake resources within the proposed project site(s), a CDFW LSAA is not expected to be required.

For more information on CDFW refer to the Beach Restoration Regulatory Guide (BRRG; EIC, 2006) and the CDFW website: www.wildlife.ca.gov.

Regional Water Quality Control Board (RWQCB)

Contact

Nicole Fairley
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Additional Contacts:

Liz Morrison
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Keith Lichten
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San Francisco Bay Regional Water Quality Control Board
1515 Clay Street, Suite 1400
Oakland, CA 94612

Website: https://www.waterboards.ca.gov/sanfranciscobay

401 Certification
Website: https://www.waterboards.ca.gov/sanfranciscobay/certs.html

RWQCB Requirements for Permitting/Environmental Compliance

***Phase I*: Project Planning and CEQA Documentation and Review**

✓ Provide this draft "Regulatory Roadmap" RWQCB section to RWQCB staff for review.

☐ Provide RWQCB staff with opportunity to review the preliminary draft Project Description, including information on receiver sites and an explanation of how the sediment would be handled (e.g., specifics of sand testing for compatibility and processing/placement).

☐ During the planning and design process, ensure that the Basis of Design (BOD) has been documented and provided to RWQCB staff for review. This includes documentation of any alternatives that were considered, and the process for narrowing down the alternatives to the proposed project. Throughout the project design process, the County needs to clearly document any decisions made for the design updates and the technical reasoning that informed it. RWQCB would like to have a chance to review the BOD after any key changes or additions before permit applications are submitted to ensure that all potential alternatives and avoidance/minimization measures are evaluated. This information is used to demonstrate to the RWQCB what impacts are unavoidable and any subsequent mitigation needs, and will potentially be used to prepare an 'Alternatives Analysis' which may be required as part of a permit application to the RWQCB.

☐ Allow opportunity for RWQCB staff to provide input on developing physical and biological monitoring requirements and sediment testing protocol/standards for in-water dredged and upland excavated sediment.

☐ Provide all CEQA documents to RWQCB for review.

☐ Continue to provide updates and additional project information as it becomes available. Provide opportunity to comment on any environmental review aspects of project development including sediment testing, monitoring, adaptive management/maintenance approach, and compatibility requirements, BMPs, mitigation measures, etc.

Phase II: Permitting

- NOTE: The project applicant(s) will need to apply for a *Section 401 Water Quality Certification* for any project that requires and receives a USACE Section 404 CWA permit (see also USACE Roadmap section). Generally, this includes sand placement activities below the High Tide Line (HTL). RWQCB will also need to review the project for its potential effects on *Beneficial Uses, as designated for each regulated water body.*

- NOTE: For these types of nature based adaptation projects, RWQCB will take into account that short term disturbances are often necessary for achieving long-term enhancement and resiliency. But if there are opportunities to avoid and minimize impacts, they will want to see that evaluated and also want a clear picture of the maximum benefits the project can achieve over the long term vs. the proposed unavoidable impacts, to get a "balanced" view of the project as a whole.

- NOTE: RWQCB can issue a multi-year *401 Certification*, consistent with the terms of the USACE Section 404 CWA permit.

- NOTE: During the permitting phase, the need for mitigation would be evaluated after adequately demonstrating that avoidance of potential impacts has been maximized; if unavoidable impacts are identified and RWQCB staff determine that mitigation is required, the specifics would be developed in coordination between the County and RWQCB staff. For some nature-based solutions (like this project), they may be determined 'self-mitigating' based on the project's benefits and not require separate mitigation actions.

- NOTE: The RWQCB, USACE, and EPA will collaborate regarding specific testing requirements for sediment placement on beaches.

- ☐ A "pre-filing meeting" with the RWQCB must be officially requested at least 30 days prior to submitting the 401 Application, and may be held subject to the RWQCB's discretion. In general, multiple pre-application meetings are encouraged to facilitate the permitting process, and USACE staff should be copied on all official meeting requests and application submittals to the RWQCB; specific instructions can be found in the 401 Certification links above.

- ☐ RWQCB also recommends a 'kickoff' permitting meeting with all agencies present, at the beginning of the permitting phase. This could be done at an existing USACE-facilitated monthly Inter-Agency Pre-Application Meeting or an individual project-specific meeting organized by the permittee.

- ☐ Determine the potential fee requirements for one-time and multi-year permits (the Dredge and Fill Fee Calculator can be found in the 401 Certification website provided above, and RWQCB staff can assist in utilizing the Fee Calculator). Discuss with RWQCB staff whether the project qualifies for the discounted Ecological Restoration project fee.

- ☐ Coordinate with RWQCB staff and in collaboration with EPA staff, to determine requirements for sediment testing and compatibility (e.g. chemical/pollutant requirements) for source sand and any specific monitoring requirements.

- ☐ If project impacts would exceed one acre of uplands, pursue Construction Stormwater Discharge permit requirements. These would typically require the development and implementation of a *Storm Water Pollution Prevention Plan* (SWPPP) and Best Management Practices (BMPs) for construction.

- ☐ Prepare and submit permit application. Applications are available on the RWQCB website: https://www.waterboards.ca.gov/sanfranciscobay/certs.html. Do not submit permit application until project details and permitting requirements/process has been worked out and reviewed by RWQCB staff; RWQCB

staff encourage submittal of draft application materials for their review and feedback, to assist in ensuring completeness of the final submittal.

- ☐ Ensure that the maintenance/adaptive management measures and specific triggers are worked out in coordination with RWQCB staff and incorporated into the 401 Certification.

***Phase III*: Ongoing Project Implementation and Adaptive Management**

- ☐ Continue to complete permit reporting requirements and provide any relevant documents or studies to RWQCB staff as they become available, including monitoring reports, sediment testing and compatibility results, etc.

- ☐ Provide RWQCB staff with a notification of any project maintenance, including placement of additional material, and an opportunity to review and comment on plans and documents related to such maintenance or adaptive management actions (as applicable and stipulated by project permits).

- ☐ Complete permit reporting requirements and renew the existing permit, or apply for a new one, prior to expiration, as applicable.

Key Points

- The RWQCB supports nature-based projects because they leverage and build upon natural processes.

- The RWQCB's jurisdiction is the High Tide Line (HTL), which is the maximum high tide that's not impacted by storm events. To determine their jurisdictional boundary, staff recommends using the 17-year epoch and referring to May, June or July conditions when there are not many storm events, during highest tides. Any materials (sand or cobble) placed below the HTL would require a permit.

- If there are 'permanent impacts' related to the project, RWQCB may require compensatory mitigation. However, RWQCB staff understands that the ultimate goal of the project is to create/restore habitats and adapt to rising sea level, so they would take a 'balanced' view when evaluating mitigation needs (and may be able to consider such a project 'self-mitigating,' depending on the specifics).

- RWQCB staff will be concerned with project effects to water quality; designated Beneficial Uses (including biological and human use values); physical, chemical, and biological integrity of beach nourishment material; and compatibility with receiver site materials.

- RWQCB staff may have more detailed concerns regarding sediment compatibility. Material may need to be tested for contaminants/pollutants. The specifics of this testing will be determined during Phase I and Phase II above, as well as per guidelines implemented by the EPA.

- RWQCB permits often require long-term monitoring; for this project type, monitoring requirements are likely to include both biological resources as well as physical aspects such as monitoring of placed material (e.g. beach profile changes). Monitoring is often also required for mitigation activities.

Agency Background and Regulatory Overview

It is the responsibility of the Regional Water Quality Control Boards (RWQCB) to preserve and enhance the quality of the State's waters through the development of *Water Quality Control Plans* (Basin Plans) and the

issuance of *Waste Discharge Requirements* (WDRs), which are required by the *California Water Code*. WDRs issued by the Regional Water Boards are subject to review by the State Water Board, but do not need the State Water Board's approval before becoming effective.

In addition, any projects requiring a Section 404 CWA permit from the USACE will require *Section 401 Water Quality Certification* by the Regional Water Boards. Therefore, beach nourishment projects require the project sponsor to obtain a Water Quality Certification from the corresponding RWQCB in order to be issued a valid 404 CWA permit by the USACE.

Finally, the RWQCB requires all construction projects with the potential to disturb one or more acres of land to obtain a *General Permit for Storm Water Discharges from Construction Activity*. The Storm Water Permit requires the development and implementation of a *Storm Water Pollution Prevention Plan* (SWPPP). The SWPPP identifies Best Management Practices (BMPs) for reducing or eliminating pollutants in runoff that discharges into waterways and storm drains.

California State Lands Commission (CSLC)

Contact

Christopher Huitt, Senior Environmental Scientist
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Eric Gillies, Assistant Chief of the Environmental Planning & Management Division
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California State Lands Commission
100 Howe Ave, Suite 100
South, Sacramento, CA, 95825

Website: https://www.slc.ca.gov/

CSLC Requirements for Permitting/Environmental Compliance

***Phase I*: Project Planning and CEQA Documentation and Review**

- ☐ Provide CSLC staff with opportunity to review the preliminary draft project description, including information on receiver sites and an explanation of how the sediment would be handled (e.g., specifics of sand testing for compatibility and processing/placement).

- ✓ Provide draft "Permitting Roadmap" section about CSLC, to staff for review.

- ☐ Allow opportunity for CSLC staff to provide input on developing physical and biological monitoring requirements and sediment testing protocol/standards for in-water dredged and upland excavated sediment.

- ☐ CSLC (Christopher Huitt) can provide expertise and input for determining appropriate size and scale of restoration projects to maximize project benefits, during the design phase.

- ☐ Provide all CEQA documents to CSLC for review.

- ☐ Continue to provide updates and additional project information as it becomes available. Provide opportunity to comment on any environmental review aspects of project development including sediment testing, monitoring, and compatibility requirements, BMPs, mitigation measures, etc.

***Phase II*: Permitting**

- NOTE: A CSLC Lease (or Amendment to an existing CSLC Lease) is required for any project activity or placement of materials on 'sovereign land.' 'Sovereign land' includes the majority of the 'ungranted tidelands and submerged lands' of the state. If needed, the project applicant applies for a Government Agency Lease (rent free). There is a fee for CSLC staff time in processing the Lease application and review of project.

- NOTE: A boundary determination will need to be conducted, if one hasn't been recently done, to identify possible CLSC jurisdictional boundaries within the project site(s). CSLC may be able to complete a records review of jurisdiction in the proposed project site(s). If no recent surveys have been completed at the site(s), a CSLC crew can conduct the surveys, when they have availability. A CSLC Lease (or Amendment to an existing Lease) is only required if CSLC jurisdiction exists at the project site(s), as determined by the records review or boundary survey.

- NOTE: CSLC can issue a lease for a term of up to 25 years, depending on the activity and proposed actions. This term will be determined after CSLC staff conducts a detailed project review.

- ☐ CSLC should be invited to a permitting 'Kickoff' meeting with all agencies present at the beginning of the permitting phase. This could be done at an existing USACE-facilitated monthly Inter-Agency Pre-Application Meeting or an individual project-specific meeting organized by the permittee.

- ☐ If the CSLC will serve as CEQA lead and the habitat restoration area is less than 5 acres, then a Categorical Exemption could be used. If the total project footprint is determined to be less than 5 acres, then the exemption should be discussed with CSLC staff.

***Phase III*: Ongoing Project Implementation and Adaptive Maintenance**

- ☐ Provide updates and notifications to CSLC staff for any proposed or potential action that would result in updates to project development, design or maintenance (e.g. future renourishment of constructed beach/foredunes).

- ☐ Provide CSLC staff with a notification of any project maintenance, including placement of additional material, and an opportunity to review and comment on plans and documents related to such maintenance or adaptive management actions (as applicable and stipulated by project permits).

- ☐ Complete permit reporting requirements and renew the existing permit, or apply for a new one, prior to expiration, as applicable.

Key Points

- CSLC will require that the project's potential impacts be evaluated with sea level rise and climate change in mind. An Environmental Justice (EJ) review shall be conducted concurrently with the sea level rise and climate change evaluation, to identify any at-risk or disadvantaged communities within the immediate area or ½ mile of each project location. This review is consistent with the CSLC's EJ policy. (https://www.slc.ca.gov/envirojustice/).

- Regarding mitigation, CSLC would rely on the CEQA lead agency's approved mitigation program to reduce potential impacts and understands that the ultimate goal of the project is to create/restore habitats and adapt to rising sea level. Therefore, CSLC would take a 'balanced' view when evaluating mitigation needs.

- CSLC will rely on the expertise of other state and federal regulatory agencies and their jurisdictional authorities.

Agency Background and Regulatory Overview

The CSLC derives its authority from both the Public Resource Code and the California Code of Regulations. Public Resources Code section 6301 grants exclusive jurisdiction to the CSLC over all ungranted tidelands and submerged lands including the beds of navigable rivers, streams, lakes and bays. The CSLC administers this authority, including the leasing of sovereign lands for marinas, docks, and moorings pursuant to Title 2, Division 3, Chapter 1, of the California Code of Regulations. The CSLC also has certain residual and review authority for tidelands and submerged lands legislatively granted in trust to local jurisdictions (PRC §6301 and §6306). All

tidelands and submerged lands, granted or ungranted, including navigable lakes and waterways, are subject to the protections of the Common Law Public Trust.

As general background, the State of California acquired sovereign ownership of all tidelands and submerged lands and beds of navigable lakes and waterways upon its admission to the United States in 1850. The State holds these lands for the benefit of all people of the State for statewide Public Trust purposes, which include but are not limited to waterborne commerce, navigation, fisheries, water-related recreation, habitat preservation, and open space. On tidal waterways, the State's sovereign fee ownership extends landward to the mean high tide line, except for areas of fill or artificial accretion or where the boundary has been fixed by agreement or a court. On navigable non-tidal waterways, including lakes, the State holds fee ownership of the bed of the waterway landward to the ordinary low water mark and a Public Trust easement landward to the ordinary high-water mark, except where the boundary has been fixed by agreement or a court. Such boundaries may not be readily apparent from present day site inspections.

County of Marin (the Project Proponent/Applicant):

Contact

Leslie Lacko, Senior Planner
(415) 473-4333; llacko@marincounty.org

County of Marin, Community Development Agency
Planning Division
3501 Civic Center Drive, Suite 308
San Rafael, CA 94903

County of Marin Involvement in Environmental Compliance

NOTE: The County of Marin is the project proponent, and applicant for permits. The County is also anticipated to serve as the CEQA lead agency, although this role is subject to other factors and therefore will be decided in the future.

***Phase I*: Project Planning and CEQA Documentation and Review**

- ☐ County should coordinate with regulatory agencies to discuss project and identify and address constraints, early in the design process.

- ☐ Collaborate with landowners to seek necessary approvals, and possibly form alliances to further project objectives and increase the likelihood of success. Initiate discussions about potential options for project proponents, such as creating a 'Special District' (which could consist of a Geological Hazard Abatement District [GHAD] or a Joint Powers Authority [JPA]). Discuss governance structure and implementation strategies and identify roles and responsibilities of various project beneficiaries throughout planning/environmental review/permitting process.

- ☐ The CCC, as the lead agency under the California Coastal Act, would also be responsible for complying with CEQA. The CCC's permit process is CEQA-equivalent under the law, which means that through the permit process the CCC will cover the elements required under CEQA in its staff report and make appropriate findings for CEQA compliance. The County, as the expected CEQA lead agency for the project, should coordinate with CCC to ensure the CEQA document satisfies both agencies' requirements under CEQA. See also the Agency Summary for the CCC (above).

***Phase II*: Permitting**

- ☐ The project proponent (County CDA) will need permission from County Parks, which owns the section of beach at the Calles and Patios.

- ☐ For each alternative dune scenario, the work would take place primarily within the California Coastal Commission's (CCC) jurisdiction. Therefore, a Coastal Development Permit (CDP) will be required through the CCC. This CDP should be consistent with Marin County's Local Coastal Program, the California Coastal Act, and, should GGNRA pursue the project in partnership with the County, the federal Coastal Zone Management Act (CZMA).

***Phase III*: Ongoing Project Implementation and Adaptive Management**

- ☐ Conduct all permit-required surveys, studies, and/or monitoring and report preparation.

- ☐ Ensure coordination with all permitting agencies to provide staff with any relevant documents or studies as they become available, including notifications of project maintenance, planned placement of additional material, monitoring reports, sediment testing and compatibility results, proposed updates to the project, adaptive management measures, etc.

- ☐ Complete permit reporting requirements and renew the existing permit, or apply for a new one, prior to expiration, as applicable.

Key Points

- The County may have the role of assisting in the development of a 'Special District' (which could consist of a Joint Powers Authority [JPA], or a Geologic Hazard Abatement District [GHAD] formed by the property owners) whereby the County would not be solely responsible for managing, constructing, or maintaining the project. In such a case, a Coastal Development Permit would be applied for by the legal entity as the project proponent.

- A County Building Permit would not be needed for the project since nothing is being "built."

- A County Grading Permit would be required; grading permits are typically pursued after the CCC releases a Notice of Determination to issue its permit but before the finalized CDP is issued.

- Other than a County Grading Permit, no other applicable ordinances have been identified at this time, that would require other permits or approvals from the County of Marin. When additional project information becomes available, such as permitting level design plans, the County should evaluate whether and additional municipal stormwater permits (MS4s), or tree or creek ordinances might apply.

ATTACHMENT A: Stinson Beach Nature Based Adaptation Feasibility Study -- Planning, CEQA, and Permitting Requirements Matrix

Category	Required Action	Responsible Party(ies)	Relevant Agencies	Notes	Status
Project Planning, CEQA, and Permitting					
Project Planning	Provide draft "**Regulatory Roadmap**" to staff for review.	County and Consultants	USACE, EPA, RWQCB, CDFW, USFWS, NMFS, GFNMS, GGNRA, CCC, CSLC		Completed
Project Planning	Prepare and submit a **Preliminary Design Report, expected to include**: -conceptual **Project Description**; -existing setting and relevant background information; -**alternatives analysis**; -information on **water quality/hydrology**; -**Sea Level Rise, Climate Change and coastal hazards/flood risk assessment**; and -**Public Access assessment or component** (vertical and lateral). The purpose of this report is to **document the basis of design** at a conceptual level, in order to **solicit early agency feedback** and garner support to advance the selected Project design. *Note: some information listed above will already be available in this Feasibility Study.*	County and Consultants	USACE, EPA, RWQCB, CDFW, USFWS, NMFS, GFNMS, GGNRA, CCC, CSLC		
Project Planning	Work with landowners. Initiate discussions about potential options for project proponents, such as creating a special district. Discuss **governance structure and implementation strategies and identify roles and responsibilities** of various project beneficiaries throughout planning/environmental review/permitting process.	County and Consultants	GGNRA, Marin County Parks		
Agency Coordination & Permitting	Provide basic project description and map to CSLC staff to determine whether CSLC will need to conduct a **boundary determination** (if one hasn't been recently done), to ensure jurisdictional boundaries are identified and determine whether a CSLC lease or amendment will be required. If no recent survey has been completed in the proposed project areas, a CSLC crew can go out when available to physically conduct a survey.	County and Consultants	CSLC		
Agency Coordination & Permitting	Discuss project with CCC and County staff to **determine CCC's Coastal Development Permit (CDP) jurisdictional boundaries** in the project area, and explore the option of a consolidated CDP with. If a **consolidated CDP is selected, confirm participants** (co-applicants), and establish roles and compliance responsibilities.	County, Consultants, other Participating Jurisdictions/ Landowners	CCC		
Agency Coordination & Permitting	Contact Dredged Material Management Office (DMMO) staff from EPA for informal input regarding recommended **sand testing and compatibility measures** as well as potential sand sources. *Note: DMMO is a multi-agency team that reviews dredging/disposal activities in the SF Bay.*	County and Consultants	EPA		
Studies/Surveys	Prepare **Sampling and Analysis Plan** (SAP) and submit to agencies for review.	Consultants	EPA, CCC, CDFW, RWQCB		

ATTACHMENT A: Stinson Beach Nature Based Adaptation Feasibility Study -- Planning, CEQA, and Permitting Requirements Matrix

Category	Required Action	Responsible Party(ies)	Relevant Agencies	Notes	Status
Studies/Surveys	Conduct **Sediment Sampling** and prepare **Sediment Analysis Report** (SAR) and submit to agencies.	Consultants	EPA, RWQCB, CDFW, CCC		
Studies/Surveys	Conduct biological surveys and literature review and prepare a **Biological Assessment** (BA) report. This BA should confirm whether beach haul-outs for marine mammals occur at any of the project sites or in the project construction area. Provide to agencies for opportunity to review prior to submitting final in permit applications.	Consultants	USACE, EPA, RWQCB, CDFW, USFWS, NMFS, GFNMS, GGNRA, CCC, CSLC		
Studies/Surveys	Prepare a **Jurisdictional Delineation of Aquatic Resources**, to establish the geographic extent of Section 404 and/or Section 10 waters of the U.S. within all program sites, to enable an assessment of impacts. This report should also include Wetland Delineations for both state and federal wetlands.	Consultants	USACE, RWQCB, CCC		
Project Planning	Prepare **Permitting-level (i.e. 30-60%) Engineering Plans** and provide to agencies for feedback.	County and Consultants	USACE, RWQCB, CCC		
Agency Coordination & Permitting	Review **National Park Service Beach Nourishment Guidance** and schedule a project presentation/discussion at a **GGNRA Project Review Meeting**, where representatives from various divisions within the park service can provide feedback on the project design and permitting process.	County and Consultants	GGNRA		
Agency Coordination & Permitting	Host **Multi-Agency Site Visit/Meeting** (if time/budget allows), to depict site conditions, describe project plans, and solicit input from agency staff. *Note: this site meeting is complementary to the Inter-Agency Pre-Application Meeting (below).*	County and Consultants	USACE, EPA, RWQCB, CDFW, USFWS, NMFS, GFNMS, GGNRA, CCC, CSLC		
Agency Coordination & Permitting	Present Project at a USACE-hosted **Inter-Agency Pre-Application Meeting**, to solicit feedback from key agencies, including: -general feedback or concerns; -anticipated permit types/procedures/timelines; -information/studies required for applications; -input on developing physical and biological monitoring requirements; -recommended avoidance and minimization measures; and -potential mitigation requirements *Note: USACE typically hosts these meetings monthly, and has a standard agency invitee list; it is recommended to request that other agencies whose input is desired are added to their invitation (such as GFNMS, GGNRA, CCC, and CSLC).*	County and Consultants	USACE, EPA, RWQCB, CDFW, USFWS, NMFS, GFNMS, GGNRA, CCC, CSLC		
Project Planning	**Discuss project and obtain permission from County Parks**, which owns the section of beach at the Calles and Patios.	County	Marin County Parks		

ATTACHMENT A: Stinson Beach Nature Based Adaptation Feasibility Study -- Planning, CEQA, and Permitting Requirements Matrix

Category	Required Action	Responsible Party(ies)	Relevant Agencies	Notes	Status
Agency Coordination & Permitting	Conduct **Technical Studies necessary to support CEQA and Permitting**, such as (but not necessarily limited to): - **Section 106 cultural Resources inventory;** - **Air Quality/Greenhouse Gas (GHG) studies;** - **Traffic studies;** - **Noise studies.** Incorporate studies into CEQA analysis and/or permit applications, as required. *Note: a number of similar Technical Studies are already captured in other rows above/below (such as: Jurisdictional Delineation, BA, Cultural Resources, eelgrass/EFH, WQ/hydrology, Environmental Justice).*	Consultants	USACE, EPA, RWQCB, CDFW, USFWS, NMFS, GFNMS, GGNRA, CCC, CSLC		
CEQA	Prepare **CEQA Draft Initial Study/Mitigated Negative Declaration** (IS/MND) and provide agency staff (and esp. state agencies, as CEQA responsible agencies) with opportunity to review.	County and Consultants	USACE, EPA, RWQCB, CDFW, USFWS, NMFS, GFNMS, GGNRA, CCC, CSLC		
CEQA	Prepare and submit a **CEQA Notice of Intent** (NOI) to Adopt an IS/MND CEQA document, to County Clerk's office. Prepare and submit a **Notice of Completion and Environmental Document Transmittal form,** to State Clearinghouse.	County and Consultants	County Clerk; Office of Planning and Research, State Clearinghouse.		
Agency Coordination & Permitting	Conduct an **Environmental Justice** (EJ) review and submit to agency staff (contact staff for info on what is required).	County and Consultants	CSLC, CCC		
CEQA	Finalize **CEQA IS/MND**, prepare **Response to Comments**, **Notice of Determination** (NOD), and **Mitigation Monitoring and Reporting Program** (MMPR) that compiles all of the project mitigation measures. Submit above documents to County Clerk with CDFW Filing Fee ($2,530 in 2021). Also submit electronically to the State Clearinghouse online	County and Consultants	County Clerk; Office of Planning and Research, State Clearinghouse.		
Agency Coordination & Permitting	Prepare a **Draft Monitoring and Adaptive Management Plan** for the Project. Submit to agency staff as a draft and solicit input.	County and Consultants	CCC, RWQCB, GFNMS		
Agency Coordination & Permitting	Discuss with RWQCB staff whether the project could be considered **self-mitigating, or will require mitigation**.	County and Consultants	RWQCB		
Agency Coordination & Permitting	Complete a **Parcel and adjacent landowner analysis** required by permit apps.	County and Consultants	CCC, USACE		
Agency Coordination & Permitting	**Prepare permit applications** and submit as a package that includes all of the reports and surveys listed above. Submit fee payment with RWQCB permit application package.	County and Consultants	USACE, RWQCB, CCC. Potential: GFNMS, GGNRA, CSLC		

ATTACHMENT A: Stinson Beach Nature Based Adaptation Feasibility Study -- Planning, CEQA, and Permitting Requirements Matrix

Category	Required Action	Responsible Party(ies)	Relevant Agencies	Notes	Status
Prior to Issuance of Permits and Pre-Construction					
Agency Coordination & Permitting	Prepare a **Permit Compliance Matrix** that incorporates all conditions provided in the agency-issued approvals and permits and provides a timeline with dates for when information is required to be submitted. Continuously update the Matrix.	Consultants	USACE, RWQCB, CCC, GFNMS		
Agency Coordination & Permitting	Conduct **pre-construction biological surveys** as required by permits and submit reports.	Consultants	CCC, RWQCB, GFNMS, USACE		
Agency Coordination & Permitting	Finalize and submit **Habitat Creation Plan** with biological monitoring and adaptive management components, and criteria for success.	Consultants	CCC, RWQCB, GFNMS		
Agency Coordination & Permitting	Finalize and submit **Adaptive Management Plan** that includes physical monitoring and adaptive management components, and criteria for success.	Consultants	CCC, RWQCB		
Agency Coordination & Permitting	Apply for a County **Encroachment Permit** for hauling of materials.	Construction Contractor	County Public Works Department		
Agency Coordination & Permitting	Coordinate with construction contractor to prepare and submit a **Construction Work Plan**.	Construction Contractor and Consultants	USACE, RWQCB, GFNMS, CCC		
Agency Coordination & Permitting	The Permittee shall obtain coverage under and comply with the **NPDES General Permit** for Storm Water Discharges	Construction Contractor	RWQCB		
Agency Coordination & Permitting	If required per the RWQCB permit, enter Project information into **EcoAtlas and its Project Tracker Tool**, no more than 14 days after receiving the RWQCB permit	Consultants	RWQCB		
Agency Coordination & Permitting	Provide written **evidence that all required permits** from other agencies have been obtained.	County and Consultants	USACE, CCC, GFNMS		
During Construction					
CEQA & Permit Compliance	Comply with avoidance and minimization measures and BMPs, as stipulated in the CEQA MMRP and issued permits, such as: invasive species removal, installation of protective barriers, erosion control measures, and biological and/or archaeological monitoring.	County and Consultants			

ATTACHMENT A: Stinson Beach Nature Based Adaptation Feasibility Study -- Planning, CEQA, and Permitting Requirements Matrix					
Category	**Required Action**	**Responsible Party(ies)**	**Relevant Agencies**	**Notes**	**Status**
Post-Construction					
Permit Compliance	Submit a **Notice of Project Construction Completion** and submit to agencies.	County and Consultants	USACE, RWQCB, CCC, GFNMS		
Permit Compliance	Submit **As-Built Plans** within 3 months of completion of construction.	County and Consultants	USACE, RWQCB, CCC, GFNMS		
Permit Compliance	Implement **Biological and Physical Monitoring Programs** consistent with the agency-approved Monitoring and Adaptive Management Plan and Habitat Creation Plan. Submit annual reports as required in agency permits.	County and Consultants	USACE, RWQCB, CCC, GFNMS		
Permit Compliance	Implement **Adaptive Management Measures** as necessary, consistent with the agency-approved Monitoring and Adaptive Management Plan.	County and Consultants	USACE, RWQCB, CCC, GFNMS		
Permit Compliance	Complete all required activities in Permit Compliance Matrix (see above) and **Renew Permits** prior to expiration date.	County and Consultants	USACE, RWQCB, CCC. Potential: GFNMS, GGNRA, CSLC		
Permit Compliance	Submit **Annual Reports** as required by permit conditions.	County and Consultants	USACE, RWQCB, CCC. Potential: GFNMS, GGNRA, CSLC		