

**Integrated Watershed Restoration Program (IWRP)
for Santa Cruz County**

**IWRP DESIGN & PERMITTING COORDINATION PROCESS
GUIDELINES MANUAL**

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The IWRP Design & Permitting Coordination Process Guidelines Manual brings together all of the key reference documents related to the design and permitting of an IWRP watershed restoration project. These documents include background information on IWRP and the unique multi-jurisdictional approach developed to select, design, and permit IWRP restoration projects. Also included are agency-approved design standards; summaries of permits and when they are triggered; discussion of potential analyses that may be required; and guidelines for the administration of IWRP projects including contracting procedures, work program and Project Design & Permit Plan templates, Project Lead responsibilities and approval process, and invoicing checklists. This manual has been reviewed and approved by staff from the permitting agencies that comprise the IWRP Design & Permitting Technical Advisory Committee, and who will be the primary staff involved in permitting the IWRP restoration projects. *It is imperative that Project Leads and consultants abide by these guidelines to ensure an effective process.*

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Chapter 1 : IWRP BACKGROUND

1.1. Evolution of IWRP

Beginning in the late 1990s, eight watershed restoration plans and a number of other related assessments were undertaken for seven watersheds in Santa Cruz County (Scotts Creek, San Lorenzo River, Arana Gulch, Soquel Creek, Aptos Creek, lower Pajaro River tributaries, and Watsonville Sloughs). Over the next few years the focus shifted to ways to effectively implement these plan recommendations. Numerous stumbling blocks were identified from past experience, including:

- Competition between watershed partners for limited funding
- Wasted time and money spent preparing proposals on grants not considered high priority by funding agencies
- Few funding sources for project design and permits, resulting in stalled projects
- Limited guidance from agencies early in the design process, often leading to costly re-designs
- Confusing and time-consuming permitting process
- Shrinking resource and permitting agency staff time
- Lack of a formal watershed partner forum to discuss priorities
- Lack of a centralized watershed restoration information hub specific to Santa Cruz County

Staff from the Santa Cruz County Resource Conservation District (RCD), Coastal Conservancy, California Department of Fish and Game (CDFG), Coastal Watershed Council, and the City and County of Santa Cruz developed the concept for the Integrated Watershed Restoration Program (IWRP) for Santa Cruz County in 2002 to address these stumbling blocks. IWRP works to coordinate resource, funding, and permitting agencies to reduce staff time and help ensure that critical projects are identified, funded, and permitted. IWRP also provides resources to local watershed partners for developing projects.

IWRP is intended to be a focal point and framework to improve county watershed restoration efforts. It is a non-regulatory process, relying on the voluntary cooperation of landowners and collaboration of watershed partners. IWRP is not a guaranteed source of funding, but rather a mechanism to develop and implement high quality restoration projects and proposals.

1.2. Mission statement

To facilitate and coordinate projects to improve fish and wildlife habitat and water quality in Santa Cruz County watersheds using a voluntary, non-regulatory approach.

1.3. Objectives

1. Coordinate agencies on the identification, funding, and implementation of watershed restoration projects.
 - Project Identification/Funding/Implementation (PIFI) Technical Advisory Committee for Santa Cruz County (CDFG, Regional Water Quality Control Board, Coastal Conservancy)

2. Target proposals to critical projects supported by the resource agencies
 - Annual solicitation for new project proposals
 - Annual Watershed Partner Forum
 - IWRP project criteria
 - Proposal development consultations
 - Packaging of related projects where appropriate
3. Facilitate higher quality designs at lower cost
 - Design & Permitting Technical Advisory Committee
 - Project Work Program template
 - Review of consultants and contractors
 - Project Design & Permit Plans
 - Design standards
 - Pre-project review and site visits with resource and permitting agencies
 - Grouping of projects for engineering review
4. Simplify the permit process for watershed restoration projects
 - IWRP Design & Permitting Coordination Process
 - Design & Permitting Technical Advisory Committee
 - Design & Permitting Coordinator
 - Design & Permitting Coordination Process Guidelines Manual
 - “Partners in Restoration” Permit Coordination Program
5. Effect institutional change to improve watershed restoration efforts.
 - County and City departments
 - Special districts
 - Community groups
 - State agencies
6. Develop a countywide outreach and education program
 - Phase 1 Outreach and Education component
 - Watershed Activity and Resource Guide for Grades 4-12
 - Rural roads erosion control technical assistance program
7. Develop a countywide watershed restoration monitoring program geared toward future project identification needs
 - Phase 1 Monitoring component
 - GIS tools
8. Develop additional assessments and plans
 - Comparative Lagoon Ecological Assessment Project
 - Plans in other Santa Cruz County watersheds
 - Supplement existing plans with additional study addressing other species and/or scientific disciplines.
9. Serve as a watershed restoration information hub for Santa Cruz County.
 - IWRP website
 - Email listserves

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- Quarterly Blue Circle meetings
- Annual Watershed Partner Forum
- IWRP Progress Reports
- IWRP Annual Reports
- Grant programs and deadlines
- Watershed partner listings
- Tools for Project Leads
- Watershed plans

1.4. Partners

| | |
|--|---|
| National Marine Fisheries Service | US Fish and Wildlife Service |
| US Army Corps of Engineers | Natural Resources Conservation District |
| CA Department of Fish and Game | Regional Water Quality Control Board |
| Coastal Conservancy | Coastal Commission |
| CA Department of Forestry | CA Department of Parks and Recreation |
| Monterey Bay National Marine Sanctuary | Fishnet4C |
| Santa Cruz County RCD | Coastal Watershed Council |
| County Dept of Environmental Health | County Dept of Public Works |
| County Dept of Planning | City of Santa Cruz |
| City of Capitola | City of Watsonville |
| Sustainable Conservation | |
| and numerous local watershed groups. | |

1.5. Phase 1

Recognizing the value of the IWRP objectives, the Coastal Conservancy awarded \$4.5 million in June 2003 to initiate Phase 1 of IWRP and dedicated a staff position to coordinate the program. The RCD manages and administers this Phase 1 block grant. Phase 1 includes the following components:

- Establish and coordinate IWRP (*Coordination component*)
- Designs/permits for ~55 restoration projects (*Design & Permitting component*)
- Expansion of rural roads technical assistance program, including an additional 20-40 erosion control project designs (*Rural Roads component*)
- Comparative lagoon ecological assessment project (*Lagoon component*)
- Watershed education activity and resource guide (*Education component*)
- Countywide monitoring program development (*Monitoring component*)
- Countywide outreach program development (*Outreach component*)

1.6. Design & Permitting and Rural Roads components

The bulk of the Phase 1 funding is geared toward making the watershed plan project recommendations become a reality. Over \$3.2 million is dedicated to developing designs and obtaining permits for 75-95 restoration projects in the seven county watersheds. The Design & Permitting component will establish the IWRP Design & Permitting Coordination Process and provide mechanisms to assist Project Leads prepare designs and apply for permits. Approximately 55 projects will be designed under this component. In

addition, the Rural Roads component will identify another 20-40 rural road-related erosion control projects that will receive funding for designs and permits. By having completed designs and permits, these projects will be more competitive when applying for implementation funding over the next three to five years.

1.7. Benefits of the IWRP Design & Permitting Coordination Process

The IWRP Design & Permitting Coordination Process is described in detail in later sections of this manual, but it is important to highlight the benefits this unique process brings to Project Leads, consultants, and permitting staff alike:

Design & Permitting Coordinator: Single Point-of-Contact

The Design & Permitting (D/P) Coordinator is responsible for tracking the status of each IWRP design project, anticipating issues early on and elevating them to the appropriate permitting or IWRP staff. Most importantly, the D/P Coordinator serves as the liaison between the Project Leads and the resource and permitting agencies. This means that Project Leads have a single point-of-contact for all of their design and permitting questions, and the permitting agencies can deal with one person rather than numerous project applicants. The D/P Coordinator will also be responsible for scheduling site visits with all the appropriate resource and permitting staff.

Guidelines Manual

This guidelines manual brings together key guidance from the permitting agencies on acceptable design standards, permits and turnaround times, and information on analytical reports that may be required – all in one centralized location. This guidance should prove useful to Project Leads in planning for a particular project.

Advance Notice of Upcoming Permit Applications

By reviewing in advance the compiled list of upcoming projects that will be submitted for permits, the resource and permitting agencies can anticipate their upcoming workload and work with IWRP staff to develop batching and other strategies to accommodate time and staffing constraints.

Early Feedback on Design Approach

Perhaps one of the biggest time- and cost-saving advantages of the IWRP Design & Permitting Coordination Process is that it brings together Project Leads, consultants, and resource and permitting staff early in the process to discuss design approaches before they begin. By reviewing the project proposals and attending site visits, the resource and permitting staff can more fully understand a particular project, including its opportunities and constraints. Agency staff can then provide the Project Leads and consultants with guidance on selecting a design approach that will result in successful permit applications. This saves the Project Leads time and money by avoiding costly re-designs to satisfy permit requirements, and reduces the amount of time spent by permitting agencies reviewing permit applications.

Documentation of Agency Feedback

One of the cornerstone documents for each project in the IWRP Design & Permitting Coordination Process is the Project Design & Permit Plan (PDPP). The Project Lead initiates this document by compiling information about the site location, problem to be

addressed, design alternatives considered, and known environmental concerns. The resource and permitting agencies will review this document and determine whether they need to attend a site visit. The PDPP will be updated with feedback from the agencies on particular issues of concern, preferred design approach, and the specific permits and analytical reports that will be required. The PDPP thus becomes the project-specific plan that documents all agency feedback and agreements. This historical record will be useful both for project team members and for any new staff who become involved in the project.

CDFG and NOAA Fisheries Engineer Review

The D/P Coordinator will schedule review by agency engineers to review applicable projects at the 90% complete design stage. This will allow Project Leads to make any last minute adjustments prior to submitting the permit applications and should ensure timely approval.

Coordinating Preparation and Submittal of Permit Applications

One of the objectives of the IWRP Design & Permitting Coordination Process is to coordinate the preparation and submittal of permit applications to provide for greater consistency in the content of the applications, and equally important, to allow for the most efficient use of agency staff time. The D/P Coordinator will be responsible for this coordination and the reviewing of permit applications for consistency and completeness. As much as possible, project applications will be “bundled” for submittal to the agencies, allowing for agency staff to review several projects at once rather than tackling them on a project-by-project basis.

Coordinating Submittal of Permit Applications Relative to Implementation Funding

One of the important time lags associated with getting restoration projects on the ground, which the IWRP Design & Permitting Coordination Process addresses, is the length of time between when implementation funds are secured and when permits are obtained to do the work. It will be critical to coordinate the timing of the life of the permits with the anticipated availability of implementation funding. In some cases it may be necessary to hold off on submittal of permit applications if the availability of implementation funds are highly uncertain. It may also be possible to negotiate timelines with the permitting agencies so that life of the permit may be extended if necessary. The D/P Coordinator will work with the permitting agencies to alleviate these scheduling issues.

1.8. Project selection process – Phase 1 and beyond

For Phase 1, a preliminary list of 55 projects for the Design & Permitting component has been assembled and is currently under review by CDFG, the Regional Water Quality Control Board (RWQCB), and the Coastal Conservancy. The criteria for project selection is as follows:

- a) Recommended in a watershed plan and/or supported by CDFG, RWQCB, or Coastal Conservancy staff.
- b) High priority or demonstration of compelling need
- c) High likelihood of receiving implementation funding
- d) Feasible and ready-to-go

In some cases, projects were included in the Phase 1 project list that were not identified in the existing watershed plans but were strongly supported by one or more of the resource agencies. This list of projects is being divided into three “batches” so as not to overload

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permitting agency staff and to allow the process to be perfected. It is anticipated that Batch 1 will begin in Spring 2004, Batch 2 in Summer 2004, and Batch 3 in Spring 2005.

While the funding is geared toward the 55 identified projects, there may be funding for additional projects should any projects fall off the list. To propose a project for consideration, first contact and receive the support of CDFG, RWQCB, or Coastal Conservancy staff, demonstrating the criteria above. Then fill out a Project Design & Permit Plan (see following sections) and submit it for review by the three agencies.

The 20-40 design projects in the Rural Roads component will be identified by the Rural Roads Technical Advisory Committee as that component gets under way and will follow the same design and permitting procedures outlined in this manual.

Project selection beyond Phase 1:

Each summer, solicitations for new projects will be sent out to the watershed partners on the IWRP email and mailing lists (contact the RCD to get on these lists). Partners will be asked to fill out project synopses that meet the project criteria and have the support of one or more resource agencies. These synopses will be compiled and discussed at the annual Santa Cruz County Watershed Partner Forum to be held each fall. Funding agencies will provide guidance on which projects will be most competitive for funding and offer suggestions for collaboration where appropriate. Partners will then develop proposals for funding.

The IWRP project selection process can also be used as a catalyst for the development of new watershed assessments for those watersheds where a plan has not yet been developed. The preparation of a new watershed plan can be proposed as a new project via the Watershed Partner Forum. A Project Lead would be identified to develop a proposal for funding.

As mentioned above, IWRP is not a dedicated source or guarantee of funds, but projects that have gone through this identification and development process will result in high quality proposals and thus will have a greater chance to receive funding. Perhaps the biggest advantage of these IWRP-selected projects is that they will then qualify for the IWRP Design & Permitting Coordination Process outlined in the rest of this manual.

Chapter 2: PROJECT TYPES

On-the-ground projects selected for Phase 1 of IWRP will focus on the overall health of watersheds by improving water quality, terrestrial and aquatic habitat, and removing barriers to salmonid migration. The Design & Permitting component of Phase 1 covers the selection, design, and permitting of approximately 55 projects recommended in local watershed plans and/or identified by state resource agencies. In tandem with this process, 20-40 additional rural road erosion control projects will be identified for design and permitting via the Rural Roads component of Phase 1. All of these projects fall into one or more of the following categories:

Fish Passage

Fish passage projects are aimed at removing or modifying existing manmade barriers to salmonid migration. Typical projects might include replacement of an instream ford with a bridge, retrofitting an existing culvert with structures to mitigate extremes in water velocity or depth that may impede passage, modification of a flashboard dam, or replacement/removal of an impassable culvert. Natural barriers may also be considered for modification or removal under certain circumstances.

Erosion Control

Erosion control projects include out-of-stream projects such as road improvements that slow or redirect runoff, or the repair of gullies by addressing the source of runoff and, if necessary, repairing the existing gully.

Culvert replacements

Culvert replacement is a specific type of erosion control and/or fish passage project and applies to both instream and off-channel culverts. Frequently a failing or poorly designed culvert causes erosion around or below the culvert and may also impair or prohibit salmonid migration.

Riparian restoration

Riparian restoration projects are those that involve the restoration of vegetation along a waterway. Riparian vegetation helps to protect streambanks from erosion by a) reducing flow velocities at or near the streambank surface, b) buffering the streambank against the abrasive effect of transported materials, c) inducing sediment deposition, and d) providing root systems that help hold the soil together and, in some cases, armor the bank against high flows and debris. Riparian restoration also provides for maintenance of healthy habitat for salmonids (aquatic) habitat and migrating birds (terrestrial habitat benefits associated with riparian restoration). Riparian restoration projects are often done in conjunction with erosion control projects and often include the removal of invasive non-native vegetation where possible.

Wetland enhancement

Wetland enhancement projects may include restoration of degraded wetlands through re-establishment of wetland hydrology, vegetation, and other habitat components that enhance specific wetland function or values.

Urban runoff treatment

Urban runoff treatment projects address polluted runoff released from urban areas. These types of projects might include the installation of grease traps, catch basins, or other treatment options.

Agricultural runoff treatment

This category of projects includes projects such as sediment basins, filter strips, or grassy swales focused on slowing runoff from agricultural areas and providing mechanisms to filter out sediment and other pollutants from agricultural runoff prior to entering a nearby waterway.

Monitoring (gage) stations

Many of the watershed plans developed for Santa Cruz County watersheds make recommendations for watershed monitoring. There are several existing monitoring stations that are in need of repair. One of the important issues to address for these monitoring stations is to identify who will be responsible for the long-term maintenance and data collection for these stations.

Chapter 3: DESIGN & PERMITTING TECHNICAL ADVISORY COMMITTEE (D/P TAC)

Purpose:

The IWRP Design & Permitting Technical Advisory Committee (D/P TAC) has been assembled to provide guidance on the coordination, designs, and permitting approvals for IWRP Phase 1 Projects.

The objectives of the D/P TAC are to:

1. Provide guidance and feedback to the IWRP Design & Permitting (D/P) Coordinator (Nicole Martin, Sustainable Conservation) on a feasible approach to coordinating the design and permitting review of projects proposed under IWRP.
2. Provide guidance on the appropriate permitting mechanisms for each project carried out under IWRP.
3. Develop strategies to facilitate permitting approval of projects such as advance notice and review of upcoming permit applications, a single point-of-contact liaison between Project Leads and agencies, consistency review of permit applications, and grouping of permit applications where feasible.
4. Provide guidance on project designs and avoidance measures that minimize impacts to sensitive resources and meet permitting and environmental review requirements.

D/P TAC Members:

US Fish and Wildlife Service (USFWS)
California Department of Fish and Game (CDFG)
NOAA Fisheries
US Army Corps of Engineers (USACE)
Regional Water Quality Control Board (RWQCB)
California Coastal Commission
County of Santa Cruz
USDA Natural Resources Conservation Service (NRCS)

Chapter 4: IWRP DESIGN & PERMITTING COORDINATION PROCESS

The following provides an overview of the IWRP Design & Permitting Coordination Process for Phase 1 projects from the development of a project's design through the preparation of permit applications. See "IWRP Background: Project selection process – Phase 1 and beyond" for more information on the selection of Phase 1 projects and how future projects will follow this process.

1. *Phase 1 Project Identification and Batching:* California Department of Fish and Game (CDFG), Coastal Conservancy, and Regional Water Quality Control Board consider proposed projects, agree on final list of projects, and identify which of the three "batches" each project will fall under. This review group may be augmented with additional members of the Design & Permitting Technical Advisory Committee (D/P TAC) who wish to participate in this step.
2. *Compilation of Project Details:* Project Leads provide detailed project information to D/P Coordinator by completing a *Project Design & Permit Plan* (PDPP) for each project. The PDPP will serve as the primary tool that documents the problems being addressed, description of design alternatives, and site sensitivity. The PDPP will be updated with feedback from the D/P TAC during reviews and site visits. The PDPP will track the design approach selected and any required analyses and permits
3. *D/P TAC "Paper Review" of Project Batch:* The D/P TAC members review the PDPPs for each batch of projects and provide input and guidance to D/P Coordinator on which project sites they would like to see.
4. *Scheduling Site Visits:* The D/P Coordinator schedules site visits with the D/P TAC, NOAA and DFG engineers (via Erika Cleugh, CDFG, as the point person for the engineers), Project Leads, and consultants.

Prior to project site visit (or possibly prior to step 2 in order to fully fill out PDPP), it is anticipated that Project Leads will hire consultants if necessary and begin very preliminary conceptual design work.

5. *Site Visits and Selection of Preferred Design:* Once the project engineers have developed some conceptual design alternatives, site visits for specified projects will be conducted with engineers from CDFG and NOAA Fisheries, resource experts from the D/P TAC, and Project Leads and consultants. The engineers from CDFG and NOAA Fisheries will work with the project engineers to identify a preferred alternative for the design. Resource experts on the D/P TAC will provide feedback to Project Leads on how to minimize impacts, etc. Information from this site visit will be recorded and incorporated into the PDPPs for Project Leads, consultants, D/P TAC, and DFG and NOAA engineers to review.
6. *Begin Project Design:* Project engineers will incorporate agency feedback and prepare designs to 60% completion to submit to the D/P Coordinator and RCD (formal review by the D/P TAC will not occur at this stage but will be made available to individual

members upon request). Project Leads should flag any design or budget issues to be resolved.

IMPORTANT: If issues/questions arise prior to completion of the 90% designs that would require input from the CDFG and NOAA Fisheries engineers or D/P TAC members, Project Leads will communicate this with the D/P Coordinator who will then “group” issues/questions for the NOAA and CDFG engineers and the D/P TAC to address.

7. *90% Complete Review:* Project Leads will coordinate with the D/P Coordinator to submit 90% designs on applicable projects to CDFG and NOAA Fisheries engineers for review and comment. Engineers from NOAA Fisheries and CDFG “sign off” on the designs, providing any additional comments for changes that need to be made to the 90% designs prior to completion.
8. *Project Descriptions and CEQA:* Project Leads will coordinate with the D/P Coordinator to prepare project descriptions and draft environmental review documents.

The balance of work to prepare the permit applications may vary between the D/P Coordinator and Project Leads. However, all permit applications will be funneled through the D/P Coordinator prior to reaching the permitting agencies. This “clearinghouse” approach is meant to provide consistency in the content and quality of permit applications submitted under IWRP.

9. *Permit Applications:* Project Leads will work with the D/P Coordinator to prepare and submit permit applications and supporting documentation.
10. *Permit Submittal:* D/P Coordinator oversees and tracks submittal of permit applications and accompanying project designs and supporting documentation, and works with Project Leads to supply additional information as requested by permitting agencies.
11. *County CEQA Review Process:* County initiates the CEQA review process following submittal of County permit applications (this step may be slightly different if it is determined that the County will not be the CEQA lead on a particular project).

Chapter 5: PROJECT DESIGN & PERMIT PLAN

Purpose of the Project Design & Permit Plan

The Project Design & Permit Plan (PDPP) serves many important functions:

1. The PDPP represents the “starting point” for Project Leads and permitting agency representatives to document information about an individual project being carried out under IWRP. It includes information about the Project Lead, critical funding deadlines, plans for hiring of consultants and contractors, the problem to be addressed, the history surrounding the development of project alternatives, information about the project setting and sensitive resources potentially affected, and a description of the proposed project itself (including details about construction activities, mitigation measures, etc.).
2. The PDPP will be used to document information about permitting requirements including any reports or resource analyses required by the permitting agencies. Much of this information will be obtained during field visits to the project sites with agency staff who will be able to direct Project Leads on specific resource concerns and design recommendations that will then be recorded in the PDPP.
3. The PDPP will be a key reference document for both Project Leads and permitting agencies. Engineers from CDFG, for example, will be able to take the PDPP for a particular project and better understand why one design was preferred over another. Project Leads will also have this key reference document to recall what a particular permitting agency requested at the site visit for their project.
4. The PDPP is a working document and represents the central “paper trail” for each project. By utilizing computer functions such as “track editing”, changes made to the project based on feedback received from the permitting agencies in the field, for example, can be recorded and kept as part of a central file on each project.

The Template PDPP developed for the IWRP Design & Permitting Component is included as Appendix A. Some general instructions for filling out the PDPP follow:

- *Remember that this is a working document.* Project Leads may not have all of the information requested at the time they first fill out the PDPP. The general rule of thumb is that if you can get the information within the time allotted to fill out the PDPP, please get it. In particular, maps and photos of the project site provide some of the most useful information to the D/P TAC as they are reviewing project descriptions for the first time. The more guessing the permitting agencies need to do prior to seeing the site, the longer the process can take.
- *Provide sources for information.* For all information related to biological resources, cultural resources, etc. indicate the source of that information. For example, was a CNDDDB (California Natural Diversity Database) run utilized to determine the potential presence of listed species in the project area? Has a biologist already surveyed the site or has a wetland delineation been performed by a qualified individual? Those are the type of questions the resource agencies are interested in.

- *Avoid vague descriptions:* Don't leave the reviewers guessing. Approach the PDPP as though you are new to the project and provide enough detail so that an individual who has never seen this project can understand its components. Again, this is a working document so if you don't have an answer for a particular section, it's okay to indicate that. (i.e. "this information still needs to be gathered", etc.)
- *Provide history on the project:* Almost every project has some history to it. Why did it come about and what issues have come up in the past on this project. For example, provide descriptions of landowner issues or describe alternatives to the project that may have been considered in the past but rejected for one reason or another. This gives the permitting agencies a better idea of the issues and constraints surrounding a particular project and enables them to make more educated suggestions about remedies or protection measures.
- *Provide Maps and Photos:* As indicated above, site maps and photos included as part of the PDPP are invaluable (maps are critical). The first question a reviewer might ask is "Where is this project?" A verbal description is not as detailed as a map.

The template for the Project Design & Permit Plan is included in Appendix A.

Chapter 6: SITE VISITS

One of the primary purposes and benefits of IWRP is to ensure that Project Leads receive input from the permitting agencies at an early stage so that there will be few issues by the time permits are submitted. By being on the same page from the outset, both Project Lead and agency staff time is reduced and costly re-designs are avoided. Site visits will serve as the principal forum for obtaining this early guidance and feedback from the resource and permitting agencies on IWRP projects. In some cases, engineers from the California Department of Fish and Game and NOAA Fisheries will visit the site and provide design recommendations to the Project Leads and consultants.

Site visits will be conducted based on the interest and need expressed by the permitting agencies, primarily those members of the D/P TAC.

1. *Purpose:* As discussed above, the purpose of the project site visits is to allow resource experts from the permitting agencies to be involved at the earliest planning stage when designs are primarily in the conceptual stages. As described in the Design & Permitting Coordination Process document, this field visit is the principal forum for obtaining early feedback from the permitting agencies. We developed this process in coordination with the permitting agencies represented in the D/P TAC. At the site visit, not only will the engineers from the resource agencies have the opportunity to discuss the preferred design options with the Project Leads, resource experts from the permitting agencies will also be able to assess which analyses and reports will be required for that particular project (biotic assessments, hydrology reports, etc.). The hope is that this will save time and money for Project Leads by asking, “what do the agencies need?” at the earliest stages of the project.
2. *Determining when needed:* Members of the D/P TAC determine when site visits are needed. When D/P TAC members are sent the Project Design & Permit Plans (PDPPs) for a particular batch of projects, they determine which sites they need to see based on the potential presence of sensitive resources and the nature of the activities proposed. In addition, CDFG and NOAA Fisheries engineers determine which sites they need to see (based on the level of engineering review that will be required).
3. *Who should attend:* Members of the D/P TAC (and potentially other staff from their agency who will be assisting them on the permitting of the project), engineers from the CDFG and NOAA Fisheries (for certain projects), Project Leads, designers (either contractors or in-house), and the D/P Coordinator will attend these site visits.
4. *How to schedule (with landowner permission):* Once the D/P Coordinator has determined which agencies need to see which sites, site visits will be scheduled. Because of the extreme limitations on the time of the engineers from CDFG and NOAA Fisheries, the site visits will be scheduled around their availability. Site visits will be combined so that the resource experts from the permitting agencies will be looking at a site at the same time the engineers are providing feedback to Project Leads on the conceptual design ideas. Once some potential dates for site visits have been identified by the resource agencies, the Project Leads will be contacted to coordinate scheduling these site visits and obtaining permission from the landowners to see the sites. This will require that

Project Leads be somewhat flexible since the dates of the site visits will be driven primarily by the availability of the permitting agency staff.

5. *Outcomes (recorded in PDPP):* As a result of these site visits, Project Leads will obtain feedback on the projects at the earliest stages of project design from both the agency (DFG and NOAA Fisheries) engineers and those resource experts who will be involved in permitting the projects. While in the field, the D/P Coordinator will record feedback from the engineers and the resource experts, documenting this feedback in the PDPP for each project. The PDPPs will then be provided to both the Project Leads and the resource agency engineers so that everyone maintains a record of what was said/agreed to at the site visit. The Project Leads will utilize the information gathered at the site visit to proceed in developing the designs for their projects. The Project Leads will also utilize the PDPPs to determine what analyses and studies (biological surveys, hydraulic analyses, etc.) will be required from the permitting agencies. The PDPP will also accompany the submittal of the 90% designs to the DFG and NOAA engineers for review so they have the record of why a particular design detail was pursued.

Chapter 7: DESIGN STANDARDS

The following design standards have been recommended by the D/P TAC for use by Project Leads (and hired consultants) during preparation of project designs.

Guidance Documents:

1. California Department of Fish and Game's *California Salmonid Stream Habitat Restoration Manual*

<http://www.dfg.ca.gov/nafwb/manual.html>

➔ This reference manual can be utilized for almost any instream restoration work or bank stabilization projects, as well as road improvement projects. NOAA Fisheries and USFWS are currently consulting on the practices contained in the CDFG Salmonid Stream Restoration Manual as part of the Regional General Permit renewal process for CDFG-funded projects by the San Francisco District USACE (RGP_{CDFG}). During this consultation, these agencies essentially analyze the potential effects to listed species associated with implementation of the practices in the manual. Therefore, regardless of which permitting mechanism is required for a particular project, the use of the standards in this manual could potentially make the consultation occur more quickly since NOAA Fisheries and USFWS will have some effects analyses already completed.

2. California Department of Fish and Game's "Culvert Criteria for Fish Passage" (April 2003)

Located in the California Department of Fish and Game's *California Salmonid Stream Habitat Restoration Manual*, Part IV, Appendix A

<http://www.dfg.ca.gov/nafwb/pubs/2003/FishPassage.pdf>

➔ This reference should be used in conjunction with the following reference (National Marine Fisheries Service [now NOAA Fisheries] Southwest Region's "Guidelines for Salmonid Passage at Stream Crossings") for any projects involving replacement/retrofit of culverts.

3. National Marine Fisheries Service [now NOAA Fisheries] Southwest Region's "Guidelines for Salmonid Passage at Stream Crossings" (September, 2001)

<http://swr.ucsd.edu/hcd/NMFSSCG.PDF>

➔ This reference should be utilized for all projects occurring in fish bearing streams associated with stream crossings (culvert replacements/retrofits, bridges, etc.).

4. NOAA Fisheries "Fish Screening Criteria for Anadromous Salmonids" 1997

<http://swr.ucsd.edu/hcd/fishscrn.pdf>

➔ These criteria must be utilized for projects that require dewatering or any project where use of a pump (water) intake system would be required in a fish-bearing stream.

5. “Handbook for Forest and Ranch Roads: A Guide for planning, designing, constructing, reconstructing, maintaining and closing wildland roads,” by William Weaver and Danny Hagens.

➔ This resource is useful for erosion control projects specifically related to road improvements. *The RCD has a hardcopy of this document available for reference.*

6. U.S. Army Corps –“Bioengineering for Streambank Erosion Control” by Hollis H. Allen and James R. Leech (April 1997)

➔ This resource is useful for projects involving streambank stabilization. *The RCD has a hardcopy of this document available for reference.*

7. U.S.D.A. Natural Resources Conservation Service Field Office Technical Guide

➔ This resource would only be used by the NRCS and for projects where the NRCS is working with the project lead on project designs and plans.

Additional resources for Project Leads:

8. U.S. Forest Service Roads Manual

http://www.fs.fed.us/eng/road_mgt/science.pdf

9. Washington Department of Transportation Environmental Procedures Manual

<http://www.wsdot.wa.gov/fasc/EngineeringPublications/Manuals/EPM/September2003.pdf>

9. Washington Department of Fish and Wildlife, Fish Passage Technical Assistance “Design of Road Crossings for Fish Passage”

http://www.wdfw.wa.gov/hab/engineer/cm/culvert_manual_final.pdf

Use of these standards for the design of a particular project is always subject to resource agency input (prior to design start). Project Leads should document in the Project Design & Permit Plan which (if any) of these standards are applied to a project design.

Chapter 8: PERMITS AND TURNAROUND TIMES

The following table provides an overview of the permitting mechanisms that are potentially required for IWRP projects. Appendix B goes into more detail describing the jurisdiction of each agency and typical project “triggers” that may result in the need for a particular permit or other approval from the permitting agencies. This is for preliminary planning purposes only. The actual permits required for each project will be determined by the D/P TAC after reviewing the Project Design & Permit Plans and attending the site visits. Table 1 summarizes the permits and approvals applicable to IWRP projects and approximately how long each permit/approval process takes.

Table 1. Summary of Permitting Timelines for Each Type of Permitting Approval

| Agency | Permitting Mechanism | Application Turnaround Timeline (once complete application is received by the permitting agency) |
|----------------------------|---|--|
| US Army Corps of Engineers | Regional General Permit (RGP) 1 | ~60 days (includes consultation with NOAA Fisheries and Public Notice) |
| | RGP _{CDFG manual} <i>(Trying to get in place this summer)</i> | ~60 days (includes consultation with NOAA Fisheries and Public Notice) |
| | Nationwide Permit (Corps) | ~2-3 months |
| NOAA Fisheries | RGP1/ tiering letter | 30-day turnaround |
| | RGP _{CDFG manual} /tiering letter <i>(under revision, trying to get in place this summer)</i> | Likely similar to RGP 1 turnaround time |
| | NOAA Consultation on Nationwide Permit: Formal Consultation Informal Consultation | 135 day turnaround (~5-6 months) (Biological Opinion) Informal-much quicker turnaround (~5 weeks) (Letter of Concurrence) |

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| Agency | Permitting Mechanism | Application Turnaround Timeline (once complete application is received by the permitting agency) |
|-----------------------------------|--|--|
| US Fish and Wildlife Service | If there is a federal nexus ¹ (i.e. a Corps permit required): Informal Consultation Formal Consultation | 4-5 weeks (Letter of Concurrence) 135 days (~4-6 months) (Biological Opinion) |
| | If there is no federal nexus: Habitat Conservation Plan Safe Harbor Agreements | Undetermined (could take anywhere from 2-5 years) |
| RWQCB | Individual 401 Water Quality Certifications | ~60-day turnaround |
| California Dept. of Fish and Game | 1602 Streambed Alteration Agreement | After notification is received, expect 2-4 months |
| | 2081 (Incidental Take Permits) | After notification is received, expect 2-5 months |
| County of Santa Cruz | For relatively simple projects requiring the following types of permits, turnaround times are estimated at approximately 3-weeks from submittal of a <u>completed</u> permit application. a) Grading Permit b) Riparian Exception c) County of Public Works Encroachment Permit | From submittal of application to issuance of grading permit ~ three weeks if CEQA is exempt and at least 2 months if CEQA is required From submittal of application to issuance of riparian exception ~ three weeks if CEQA is exempt and at least 2 months if CEQA is required <i>(Depends on complexity of the project) Assume two weeks</i> |

¹ A “federal nexus” is established if an activity is authorized, funded, or carried out by a federal agency. Under IWRP, most Project Leads are not federal agencies. However, if a project requires a permit from the U.S. Army Corps of Engineers, this constitutes a federal nexus and makes the consultation process with other federal agencies (U.S. FWS or NOAA Fisheries) much easier and usually faster.

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| Agency | Permitting Mechanism | Application Turnaround Timeline (once complete application is received by the permitting agency) |
|--------------------|--|--|
| | <p>If a project requires either a building permit or a Coastal Development Permit (a discretionary approval that incorporates the various permits above for projects taking place in the coastal zone), the permit turnaround times will be greater since review/approvals/permits occur outside of the Planning Department.</p> | <p>If a Building Permit is required, project review could take up to two months.</p> <p>If the project requires a Coastal Development Permit, allow at least 6 months for approvals.</p> |
| <i>CEQA Review</i> | <i>If CEQA review is triggered</i> | Assume at least 2 months to complete CEQA review |

These process time approximations assume that applications are complete once they reach the agencies. Incomplete applications can result in longer timelines for issuance of permits and approvals.

Chapter 9: SUPPLEMENTAL ANALYTICAL REPORTS

Because of the variability in soil types and resource conditions throughout Santa Cruz County, it is difficult to specify in advance what analyses and reports may be required for a given project type. The analytical requirements will always be site-specific. This is why the site visits serve a critical function by providing the opportunity for the resource agencies to assess the site and inform the D/P Project Leads which studies and analyses are going to be required to obtain a permit. Below are some of the *potential* types of analyses and reports that may be required for a particular project.

Biological Studies and Surveys

Biological Surveys: Biological surveys may be required by USFWS or CDFG to determine the potential presence of a listed (threatened or endangered) species in the project area.

Biological Assessments: Consultation with USFWS and NOAA Fisheries may require preparation of a biological assessment that describes the proposed project, a description of the “baseline” biological resources present in the project area, potential project effects to these biological resources, and a description of any protection or mitigation measures proposed to minimize these potential impacts. The biological assessment should include the following:

- A description of the project being proposed
- An analysis of alternatives considered
- A description of the listed species and critical habitat that would be affected
- A description of the existing environmental baseline
- Expected direct, indirect, and cumulative impacts on the species and critical habitat
- Monitoring, success criteria, and reporting proposed
- Adaptive management provisions

County of Santa Cruz Biotic Assessment: The County may require a *biotic report*: (an in-depth study) for projects occurring in areas considered to be “Sensitive Habitat”. The biotic report is separate from any surveys/studies required by other resource agencies and must be written according to County guidelines.

Biotic Review:

If the County determines that the project area is located within a mapped “sensitive habitat” as defined by the County (see Appendix B), it may require additional review of potential effects. The review may consist of one or more of the following:

- A biotic presite: a preliminary site visit by County staff to determine if the site lies within a sensitive habitat
- A biotic assessment: a brief review of on-site biotic resources conducted by a County-contracted biologist
- A biotic report: (an in-depth study) will be required if the biotic assessment indicates that more information is needed. This report will be prepared at the Project Lead’s expense by a professional biologist (the County has a list of approved biologists/revegetation specialists). The biotic report must be written according to County guidelines.

The biotic report will be reviewed by a biologist contracted by the County for this purpose. If the project will impact a State or Federally listed species, review and approval by the California Department of Fish and Game and/or the US Fish and Wildlife Service will be required.

Wetland Delineations (see Appendix D)

Wetland delineations may be required to ensure compliance with Section 404 of the Clean Water Act. If a potential wetland is located in the project area where work is proposed, a wetland delineation may be required by the USACE. Preliminary delineations (conducted by consultants), which meet the US Army Corps of Engineers' minimum standards may be submitted to the USACE San Francisco District for review and verification to ensure compliance with Section 404 requirements. For projects in the coastal zone, wetland delineations may be based on a one-criteria model (rather than the 3-criteria model used by USACE) as well.

Cultural Resource Assessments

Cultural resources compliance is required under sections 106 and 110 of the National Historic Preservation Act, which require federal agencies to identify and assess the effects of their actions on cultural and historic resources. In order to determine potential impacts to cultural resources, it may be necessary to conduct surveys to determine the potential presence or absence of cultural resources in a project area.

An archeological survey may be required for any project that will:

1. Require a County permit,
2. Result in ground disturbance, and
3. Which will be located within a mapped archeological sensitive area (County of Santa Cruz has this information mapped).

In addition, an archeological survey may be required for any project that will result in ground disturbance within 500 feet of a recorded Native American cultural site.

Hydrology

Various hydrologic studies will likely be required for instream projects, particularly for fish passage projects. For passage projects involving retrofitting, removing, or replacing culverts, a Fish X-ing analysis (see Appendix D) should be completed. For other fish passage projects, at the minimum a longitudinal profile would be required. The following types of information may need to be collected for a particular project site:

1. Basin hydrology
 - a. Flow duration
 - b. Flood flows: annual, 10-year, 50-year floods
 - c. Bankfull discharge
 - d. Discharge during migration period
2. Characteristics of the river:
 - a. Cross sections
 - b. Longitudinal Profile
 - c. Bank details
 - d. Water surface at varying flow conditions
3. Information about the headwater/tailwater relationship at the inlet and outlet of the barrier may be required:
 - i. Vertical difference between the headwater and tailwater
 - ii. Time period

Understanding the hydrology of a wetland is critical for any successful wetland restoration or enhancement project. More extensive hydrology studies will likely be needed for these projects to determine the optimal design options.

Soils and Geology

In general, the County does not require soils engineering (or geotechnical engineering) and engineering geology reports for projects that do not involve the construction of habitable structure, specifically houses (*See Appendix B for examples of when these reports would be required by the County*). The Engineering Geology Report prepared pursuant to County requirements, describes and evaluates the geologic factors such as landslides, faults, seismicity (ground shaking), ground cracking, erosion and other such features that can affect the safety of development at a particular site and to determine how grading activities may be affected by the area's geology.

For instream projects, information such as the type and location of bedrock, characteristics of the riverbed material, and characteristics of the bank material will need to be considered in the project design (independent of County requirements)

Chapter 10: ADMINISTRATION

See the following subsections for information on:

- a. Project Lead responsibilities and approval process
- b. Work program template and instructions
- c. Selecting consultants and contractors
- d. Invoicing checklist and requirements
- e. Monthly status report template
- f. Seeking funding for project implementation
- g. Who to contact for more information

10.a. PROJECT LEAD RESPONSIBILITIES & APPROVAL PROCESS

Because IWRP is comprised of so many projects, it is imperative that we have a well-established process for tracking each project to ensure that we are all in concert each step of the way. The following outlines the responsibilities of each Project Lead and notes the deliverables and approval mechanisms that are required before a Project Lead can proceed to the next step. The responsibilities are in line with the work program tasks and deliverables. By signing the project contract, the Project Lead is agreeing to these terms.

IMPORTANT NOTE: Invoices will not be approved for work that has not followed this process.

| Project Lead Responsibility | Deliverables required for approval | Approval required before proceeding |
|--|---|--|
| <u>Work program:</u> Draft work program using template in consultation with RCD. (Section 10.b) | 1. Work program, including budget and schedule. | Letter approving work program. (IWRP Coord) |
| <u>Contract:</u> Consult with RCD on contract terms and return signed contract. (Once workplan and contract developed, assume 7-10 day turnaround back to the project lead) Appendix E. | 1. Signed contract (Lead) | Signed contract (RCD) |
| <u>Consultant/contractor selection:</u> Discuss process for selecting consultants/ contractors, if applicable, with the RCD. Provide bid package and final selection notification, including scope of services and budget. Also provide hourly rates of all staff working on project. | 1. Consultation with RCD on selection process. 2. Bid package for review if applicable. 3. Notification of final selection, including scope of services and budget. 4. Hourly rates of all staff on project. | Letter approving consultant/contractor selection and hourly rates of all staff. (IWRP Coord) |
| <u>Coordination with D/P Coordinator:</u> Maintain contact throughout project with the D/P Coordinator who will serve as the liaison with the permitting agencies. Provide the D/P Coordinator with status reports, alerts, benefits achieved as a result of IWRP, etc., as requested. | 1. Information as requested. | N/A |
| <u>Monthly Status Report:</u> Prepare a monthly status report, regardless of whether or not an invoice is being submitted. Send original to RCD and a copy to D/P Coordinator. (Section 10.e – contact D/P Coord for electronic copy) | 1. Monthly Status Report to RCD and D/P Coordinator. | N/A |

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| Project Lead Responsibility | Deliverables required for approval | Approval required before proceeding |
|--|---|--|
| <u>Invoicing</u> : Prepare invoices in accordance with the IWRP Invoicing Checklist and Requirements sheet (Section 10.d). Send original to RCD and a copy to D/P Coordinator. | 1. Invoices to RCD and D/P Coordinator. | Disbursement of funds, less 10% withhold until project complete. |
| <u>Project Design & Permit Plan (PDPP), analyses, site visits</u> : Complete the PDPP including Parts 3 and 4 and preliminary design assessment, any required analyses, and participate in site visits. | 1. Complete PDPP 2. Applicable analytical reports. 3. Documentation of site visit feedback. | Letter acknowledging that design work may begin. (RCD) |
| <u>60% complete designs and work program review</u> : Prepare designs to 60% complete. Incorporate any feedback into PDPP. Present any revisions needed to work program. | 1. 60% complete designs. 2. Revised PDPP. 3. Work program change proposals, if necessary. | Letter approving 60% complete stage. (RCD) Work program amendment, if necessary. (RCD/IWRP Coord) |
| <u>90% complete designs and environmental review</u> : Prepare designs to 90% complete for review, including environmental review documentation. Incorporate any feedback into PDPP. | 1. 90% complete designs. 2. Environmental review 3. Revised PDPP | Letter approving 90% complete stage. (RCD) |
| <u>100% complete designs and permit submittal</u> : Prepare designs to 100% complete, including specifications and cost estimates. Coordinate with the D/P Coordinator to prepare permit applications. | 1. 100% complete designs and specifications. 2. Completed permit applications. | Approval by D/P Coordinator. |
| <u>Additional information</u> : Provide D/P Coordinator with additional information requested by permitting agencies. | 1. Additional information to process permits. | N/A |
| <u>Project completion</u> : All permit approvals received. Final dollar amount of match provided (cash and/or in-kind services). | 1. All permit approvals. 2. Match total. | Letter acknowledging completion of project and release of 10% withhold. (IWRP Coord) |
| <u>Identification of Potential Implementation Funding Sources</u> : Although not a required task included in the work program, it is highly recommended that project leads contact the RCD early in the project development to identify potential sources of funding for project implementation and grant deadlines. | N/A | N/A |

10. b. IWRP DESIGN PROJECT WORK PROGRAM TEMPLATE & INSTRUCTIONS

Following is the work program template that will need to be completed for each IWRP design project and attached to the RCD contract. Contact the RCD for an electronic version of the template. Below are instructions for completing the work program:

1. Obtain the Project ID code from the D/P Coordinator. Insert into the [Proj ID] locations in the work program title and task numbers.
2. Insert the date under the work program title. Update the date as necessary to reflect work program revisions.
3. Complete the summary details and contact information at the beginning of the work program.
4. Enter the schedule (begin and end dates) and budget for each task.

NOTE: Funds can be moved between tasks with approval from the RCD (see Task 3, Item d – work program review), but the total Conservancy funds may not exceed the amount allocated to the project.

5. If consultants/contractors will not be hired for any part of the project, delete Task 1 and re-number the rest of the tasks.
6. If other changes to the tasks are required, consult with the RCD.
7. Once complete, email the work program to the RCD for review (sccrcd@sccrcd.org).

10. b - continued. WORK PROGRAM TEMPLATE

Note: Contact RCD for electronic version.

IWRP Phase 1
[DP] [Proj id] Individual Design Project Work Program

-Date-

Name of Project:

Watershed:

Lead Agency/Organization:

Primary Contact:

Title:

Address:

Phone:

Fax:

Email:

Budget:

Conservancy: \$

Match (if applicable): \$ [] cash

\$ [] in-kind services

Total Budget: \$ _____

Begin and End Dates:

Abbreviations:

D/P Coordinator – Design and Permit Coordinator

D/P TAC – Design and Permitting Technical Advisory Committee

IWRP – Integrated Watershed Restoration Program for Santa Cruz County

RCD – Resource Conservation District

PDPP – Project Design and Permitting Plan

DP (Proj id) Task 1 – Hire consultants as needed to prepare designs, engineering specifications, environmental review documentation, and/or analyses.

- a) Hire consultants using the procedure outlined in the Project Design & Permit Plan (PDPP). See “Selecting Consultants and Contractors” in the IWRP Design & Permitting Coordination Process Guidelines Manual.

Note: Submit the names of the selected consultant(s) and contracted tasks, budget, and schedule to the IWRP Program Coordinator and the RCD Executive Director for final approval prior to notifying the consultant(s). Also submit the hourly rates of all staff involved in the project (including Project Lead). The Project Lead must receive the letter approving consultant/contractor selection and hourly rates of all staff before the consultant/contractor may begin work.

Schedule :

Budget:

Deliverables:

1. Materials associated with hiring process such as a Request for Proposals, bid package
2. Names of selected consultant(s)
3. Contracted tasks, budget, and schedule
4. Hourly rates of all project staff.

DP (Proj id) Task 2 – Complete a preliminary design assessment, Parts 3 and 4 of the Project Design & Permit Plan, and applicable analyses.

- a) Prepare a preliminary design assessment, which identifies the preferred design type selection, materials, general layout and size specifications, and cost estimate. Incorporate this into the PDPP.
- b) In consultation with the D/P Coordinator and D/P TAC, complete Parts 3 and 4 of the PDPP which determines needed site visits, analyses, permits and permit mechanisms, environmental review and design guidelines/conditions.
- c) Attend any required site visits and document agency concerns and guidance. Incorporate feedback into the design assessment and PDPP for future reference.
- d) Prepare any biotic, hydrologic, or other analyses required by the regulatory agencies.

Note: Formal design work and other tasks may only begin after written approval from the IWRP Program Coordinator and RCD Executive Director.

Schedule :

Budget:

Deliverables:

1. Preliminary design assessment
2. Parts 3 & 4 of Project Design & Permit Plan
3. Applicable analytical reports

DP (Proj id) Task 3 - Prepare designs to 60% completion and submit for 60% review.

- a) Prepare designs to 60% completion following design guidelines and conditions identified in Task 2.

- b) Submit 60% complete designs and any other materials or reports for review by the D/P Coordinator, IWRP Program Coordinator, RCD Executive Director. They will be responsible for circulating materials to other agencies as appropriate.
- c) Document feedback from the 60% review and incorporate into the PDPP.
- d) The project lead should present any changes to future tasks, budget matters, and design or permitting schedules at this time. Amend work program as necessary for IWRP Program Coordinator and RCD Executive Director approval.

Note: Additional design work and other tasks may only begin after written approval from the RCD Executive Director.

Schedule:

Budget:

- Deliverables:
- 1. 60% complete designs and associated material
 - 2. Revised Project Design & Permit Plan with review feedback.
 - 3. Work program amendment, if needed.

DP (Proj id) Task 4 - Prepare any required environmental review documents and designs and engineering specifications to 90% completion and submit for 90% review.

- a) Prepare project design plans, specifications, and cost estimates to 90% completion stage based upon the comments of the review team.
- b) Prepare environmental review documents as needed.
- c) Submit 90% complete designs, environmental review documents, and any other materials or reports for review by the D/P Coordinator, IWRP Program Coordinator, RCD Executive Director, and D/P TAC as appropriate.
- d) Document feedback from the 90% review and incorporate into the PDPP.

Note: Additional design work and other tasks may only begin after written approval from the RCD Executive Director.

Schedule:

Budget:

- Deliverables:
- 1. 90% complete designs, environmental review, and associated materials.
 - 2. Revised PDPP.

DP (Proj id) Task 5 – Prepare designs and engineering specifications to 100% completion and prepare and submit permit applications in coordination with the D/P Coordinator.

- a) Prepare project design plans, specifications, and cost estimates to 100% completion stage based upon the comments of the review team.
- b) Prepare permit applications in coordination with the D/P Coordinator.

Note: As the point-of-contact between the project lead and the permitting agencies on IWRP-funded projects, the D/P Coordinator will be responsible for reviewing the permit package for consistency and completeness and submitting it to the applicable agencies. The D/P Coordinator will also be responsible for shepherding the permits through the process and contacting the project lead for any additional information (see Task 6).

- c) Include estimate of cost of permit fees. This amount can be revised as part of Task 3 work program amendment once the permitting agencies have determined which permits will be needed.

Completed by:

Budget:

Deliverables: 1. 100% complete designs and specifications
 2. Completed permit applications with fees.

DP (Proj id) Task 6 – Provide additional information as necessary throughout the application review process to result in completed permits .

- a) If requested by permitting agencies and D/P Coordinator, provide additional information so that permits may be issued.

Schedule :

Budget:

Deliverables: 1. Additional information to complete permits as necessary.
 2. Final permit approval on all permit applications.

DP (Proj id) Task 7 – Project administration.

Project administration includes time spent preparing the work program, contracts, invoices, progress reports, and meeting attendance.

- a) Time spent preparing this work program may be billed to this task.

- b) Time spent preparing/reviewing the contract for this project may be billed to this task.
- c) Invoices must be prepared according to the "IWRP Invoicing Checklist & Requirements" document. Invoices are to be submitted at the completion of task deliverables, unless prior written approval from the RCD Executive Director has been granted for submitting interim invoices. Ten percent will be withheld from each invoice and released once all permits have been issued and/or written approval has been granted by the IWRP Program Coordinator and the RCD Executive Director signifying that the contract has been satisfactorily completed.
- d) Status reports should be submitted each month using the supplied format regardless of whether an invoice is submitted that month.
- e) Time spent at meetings directly related to this project may be billed to this task. Meeting agendas, notes, and/or minutes should be submitted as documentation.
- f) At project completion, provide the final dollar amount spent as matching funds (cash and in-kind services).

NOTE: Track and document all match hours/dollars contributed toward the project for reporting each June for inclusion in the annual report.

Schedule :

Budget:

Deliverables:

1. Final project work program.
2. Final contract.
3. Invoices.
4. Monthly status reports.
5. Meeting agendas, notes, and/or minutes.
6. Final amount of match provided.

DP (Proj id) Task 8 - Travel and direct expenses

Travel and direct expenses such as copies, mailings, graphics, etc., may be reimbursed at the rates identified in the "IWRP Invoicing Checklist and Requirements" document and with appropriate receipts and documentation. The Conservancy cannot reimburse for food purchased for meetings. Any expense over \$100 should be pre-approved by the IWRP Program Coordinator or the RCD.

Schedule :

Budget:

Deliverables:

1. Receipts and supporting documentation.

10.c. CONSULTANT / CONTRACTOR SELECTION PROCESS

Consultants and/or contractors may be required during the life of the project for specific tasks, such as design, preparation of analytical reports, or environmental review.

We urge Project Leads to go out for bid for these services unless there is a compelling reason to use another approach. Project Leads should describe the selection process they intend to use in the Project Design and Permit Plan (PDPP).

If a project is going out to bid, the Project Lead must submit the bid package to the RCD for review prior to its distribution.

Regardless of how a consultant or contractor is selected, the Project Lead must submit the names, scope of services, budget, and hourly rates to the RCD for final approval prior to hiring a consultant/contractor.

IMPORTANT NOTE: Invoices will not be approved for work that has not followed the procedures outlined in the IWRP Design & Permitting Coordination Process Guidelines Manual. Project Leads should ensure that the consultants and contractors have received a copy of the manual and explain the importance of following it.

10. d. IWRP INVOICE CHECKLIST & REQUIREMENTS

IMPORTANT NOTE: Any invoice that does not conform to the requirements below or that is for work that was completed without the proper approvals (see “Project Lead Responsibilities and Approval Process,” Section 10.a), will be returned without payment.

- Name, address, and phone number of submitting entity
- Invoice date
- Invoice billing period (billing periods may not overlap)
- Invoice reference number
- Project name and id code
- RCD contract number
- Itemized tasks:
 - Task number – use the format: D/P (Proj Id) Task 1, etc.
 - Staff position(s)
 - Hourly rate(s)
 - Number of hours per task
 - Total cost this invoice
 - Total remaining
- Itemized expenses with proper backup documentation (see below)
- Subcontractor costs – list total on invoice and attach subcontractor invoices as backup.
- Total invoice amount
- Less 10% withhold (see below)

- Receipts –
 - Submit legible copies of all receipts. Make sure date is visible.
 - Keep originals in case of audit or questions.
 - Circle the amount being invoiced and correlate to itemized expenses on invoice.
 - If a receipt covers expenses for multiple projects, clearly identify which costs are being billed to the project being invoiced.
 - Credit card receipts and statements are not considered valid receipts.

- Send invoice and deliverables to both the RCD and the D/P Coordinator (see “Who To Contact For More Information”).

ADDITIONAL REQUIREMENTS

Monthly Status Reports – Whether or not an invoice is being submitted, the Project Lead is required to submit a status report at the end of each month to both the RCD and the D/P Coordinator (see “Monthly Status Report template,” Section 10.e).

Deliverable-based Disbursement - Invoices are to be submitted at the completion of each task, pending acceptance of the deliverables, unless prior written approval has been received from the RCD. If this is too long a period to go without payment, work with the RCD to design the work program to include interim subtasks and deliverables.

Invoicing Frequency - Invoices may not be submitted more frequently than monthly. If not invoicing until the end of a project, the Project Lead will still need to submit task deliverables for

approval (see “Project Lead Responsibilities and Approval Process,” Section 10.a) before proceeding to next tasks, and also submit monthly status reports (see above).

Billing Periods – Do not bill for work done prior to contract date unless there is written approval from the RCD. Billing periods must be sequential, with no overlapping dates.

Overhead Costs – Overhead costs must not exceed 10% of invoice total and must be factored into the total project budget.

Expense Limitations –

- Any individual expense over \$100.00 must be pre-approved by the RCD.
- No food or drink costs will be reimbursed.
- Furniture, computers, conference fees, and other non-project-specific costs will not be reimbursed unless approved in advance by the RCD.

If travel is required:

- Mileage may be reimbursed at the state rate of \$0.34/mile with backup documentation indicating number of miles and purpose of trip.
- Lodging rates may not exceed \$84.00/night and must have a valid receipt.
- Meals may be reimbursed for actual costs up to the maximum rate: breakfast \$6.00, lunch \$10.00, dinner, \$18.00, incidental \$6.00 and must have a valid receipt.
- Rental cars may not exceed \$65.00/day and must have a valid receipt.
- Credit card receipts and statements are not considered valid receipts.

10% Withhold – Ten percent will be withheld from each invoice and released once all permits have been issued and/or written approval has been granted by the IWRP Program Coordinator and the RCD Executive Director signifying that the contract has been satisfactorily completed.

Subcontractors – Subcontractors are bound to these same invoicing requirements, including backup documentation for expenses. Subcontractor invoices should be attached to the primary invoice, with the total corresponding to the total subcontractor costs listed on the primary invoice.

Reimbursement Timeline – Expect to receive reimbursement approximately 8-10 weeks after submitting an invoice, assuming all information is accurate and deliverables are approved. Any invoice that does not meet the requirements listed in this document, or is not accompanied by satisfactory deliverables, will be returned for correction.

Maintaining Records – The Project Lead should maintain all invoices, receipts, and backup documentation for three years in case an audit is required.

10.e. MONTHLY STATUS REPORT TEMPLATE

Project Leads will use this template to submit a status report at the end of each month to both the RCD and the D/P Coordinator. Electronic versions of the Excel spreadsheet will be distributed to Project Leads so they can email their monthly status reports to the RCD and D/P Coordinator.

Date:
Proj Name:
Proj Id:
Proj Lead:

| Tasks and Deliverables | Total Budget | Exp This Month | Budget Remain | Status (refer to work program) | Complete | Flags/Alerts of Upcoming Issues |
|---|--------------|----------------|---------------|--------------------------------|----------|---------------------------------|
| DP Task 1 - <u>Hiring consultants</u> <i>-Bid package if applicable</i> <i>-Consultants selected</i> <i>-Scope of services/budget</i> <i>-Project staff hourly rates</i> | \$ - | \$ - | \$ - | | 0% | |
| DP Task 2 - <u>Prelim assessment</u> <i>-Prelim design assessment</i> <i>-Parts 3 and 4 of PDPP</i> <i>-Applicable analytical reports</i> | \$ - | \$ - | \$ - | | 0% | |
| DP Task 3 - <u>60% complete</u> <i>-60% complete designs</i> <i>-Revised PDPP</i> <i>-Work program changes, if nec.</i> | \$ - | \$ - | \$ - | | 0% | |
| DP Task 4 - <u>90% complete</u> <i>-90% complete designs</i> <i>-Revised PDPP</i> <i>-Environmental review documents</i> | \$ - | \$ - | \$ - | | 0% | |
| DP Task 5 - <u>Permit applications</u> <i>-100% complete designs and specs</i> <i>- Completed permit applications</i> | \$ - | \$ - | \$ - | | 0% | |

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DP Task 6 - Additional info \$ - \$ - \$ - 0%
*-Additional info to process
permits*

DP Task 7 - Project admin \$ - \$ - \$ - 0%
*-Final work program and
contract
-Invoices
-Monthly status reports
-Meeting agenda, notes,
minutes
-Final amount of match
provided*

DP Task 8 - Expenses \$ - \$ - \$ - 0%
*-Receipts and supporting
documentation*

Other notes / concerns:

10.f. SEEKING FUNDING FOR PROJECT IMPLEMENTATION

Project Leads wishing to move forward with project implementation should schedule a consultation with the RCD to discuss approaches to locating funding. This “brainstorming” session with the RCD is highly recommended and can provide the following types of information that will be useful in pursuing funding sources and preparing grant applications:

1. Information about the grant programs and the timing of grant application cycles.
2. Insight into funding agencies’ current priorities..
3. IWRP boilerplate language for inclusion in the grant applications to indicate the project has gone through the IWRP coordinated selection process.
4. Potential ways to bundle or promote projects that will make the proposal more competitive.

10. g. WHO TO CONTACT FOR MORE INFORMATION

→ See next page for contact information details.←

FOR INFORMATION ON:

CONTACT:

ADMINISTRATION

Contracts, contract status

RCD

Budgets

RCD

Invoices: procedure, status

RCD

Work program: draft, final, amendments

RCD

Contractor selection process

RCD

Reports/Deliverables

RCD

IWRP email and mailing lists

RCD

DESIGN AND PERMIT COMPONENT

Design and permit process

D/P Coordinator

Project types

D/P Coordinator

Project selection process

D/P Coordinator

Project status

D/P Coordinator

Project batching and scheduling

D/P Coordinator

Design & Permitting Technical Advisory Committee (D/P TAC)

D/P Coordinator

Project Design & Permit Plans (PDPP)

D/P Coordinator

Site visits

D/P Coordinator

Analyses

D/P Coordinator

Design standards

D/P Coordinator

Permitting mechanisms / permits

D/P Coordinator

Environmental review

D/P Coordinator

Guidelines manual

D/P Coordinator

RURAL ROAD EROSION CONTROL COMPONENT

Landowner outreach (San Lorenzo, Soquel, Aptos)

RD Coordinator

Project identification, development, and coordination

RD Coordinator

Rural Roads Technical Advisory Committee

RD Coordinator

IWRP COORDINATION & COMMUNICATION

IWRP program information

IWRP Coordinator; RCD

Agency/Partner communication and coordination

IWRP Coordinator; RCD

IWRP progress reports and annual reports

IWRP Coordinator

IWRP website

IWRP Coordinator

CONTACT INFORMATION

RCD – IWRP Management and Administration

Karen Christensen (IWRP Management)
Sharon Corkrean (IWRP Administration)

Santa Cruz County Resource Conservation District
820 Bay Avenue, Suite 128
Capitola, CA 95010

Ph: 831-464-2950
Fax: 831- 475-3215
Email: sccrcd@sccrcd.org

D/P Coordinator (IWRP Design and Permit Component)

Nicole Martin

Sustainable Conservation
121 Second Street, 6th Floor
San Francisco, CA 94105

Ph: 415-977-0380 x304
Fax: 415-977-0381
Email: NMartin@suscon.org

RD Coordinator (IWRP Rural Roads Erosion Control Component)

To be determined – in the meantime contact the RCD.

IWRP Program Coordinator (Coordination and Communication)

Kate Goodnight

Coastal Conservancy
PO Box 1380
Santa Cruz, CA 95061

Ph: 831-429-1776
Fax: 831-429-1776
Email: kgoodnight@scc.ca.gov

APPENDICES

Appendix A: Project Design & Permit Plan (PDPP) Template

Appendix B: Regulatory Authorities and Permit “Triggers”

Appendix C: Fees Associated with Permit Applications

Appendix D: Guidance on Preparation of Required Analytical Reports

Appendix E: RCD Contract Template

Appendix A. Project Design & Permit Plan (PDPP) Template

Contact the D/P Coordinator for an electronic version.

Project Design & Permit Plan

| | |
|----------------------|--|
| Project ID | |
| Batch | |
| Revision Date | |

Please fill in electronically and email to:

NMartin@suscon.org (Design/Permit Coordinator) and kgoodnight@scc.ca.gov (IWRP Program Coordinator)

PART 1 – General Information

Note: Do not type in long boxes – these are to be used by the Design/Permit Coordinator

Project Name:

Watershed:

Lead Agency/Organization:

Contact Name:

Title:

Address:

Phone:

Fax:

Email:

Project Type (place an “x” in all that apply):

- | | |
|---|---|
| <input type="checkbox"/> EC – Erosion control | <input type="checkbox"/> FP – Fish passage |
| <input type="checkbox"/> – road-related | <input type="checkbox"/> – culvert |
| <input type="checkbox"/> – upland (i.e. gully) | <input type="checkbox"/> – log jam |
| <input type="checkbox"/> – streambank stabilization | <input type="checkbox"/> – flashboard dam |
| <input type="checkbox"/> CR – Culvert replacement | <input type="checkbox"/> – weir modification |
| <input type="checkbox"/> – new culvert | <input type="checkbox"/> – ford |
| <input type="checkbox"/> – bridge | <input type="checkbox"/> – other: |
| <input type="checkbox"/> RR – Riparian restoration | <input type="checkbox"/> WE – Wetland enhancement |
| <input type="checkbox"/> UR – Urban runoff treatment | <input type="checkbox"/> MS – Monitoring station |
| <input type="checkbox"/> AR – Agric. runoff treatment | <input type="checkbox"/> Other: |

Name of the plan(s) that the project is recommended in:

Priority of project within plan:

Describe plan prioritization scheme (possible rankings and what they represent):

If not recommended in a plan, or ranked as a less than high priority, give justification why this project should take precedence over high priority plan recommendations:

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| | |
|-------|--|
| Notes | |
|-------|--|

Describe location (include stream/tributary name):

GPS coordinates:

Within Coastal Zone? (Yes/No):

Property owner:

Private property? (Yes/No):

Has the landowner agreed to participate? If not, describe any landowner issues that need to be addressed?

| | |
|-----------|--|
| Notes | |
| Agreement | |

Budget:

| | | |
|------------------------|----|---|
| Conservancy: | \$ | |
| Match (if applicable): | \$ | <input type="checkbox"/> cash |
| | \$ | <input type="checkbox"/> in-kind services (existing design) |
| Total Budget: | \$ | |

Designs, analyses, engineering specs, and environmental review will be prepared by:

- consultant(s) in-house
 combination – specify who will be doing what:

If using consultants, describe hiring plan for each consultant need (include contract lead, RFP process, who will evaluate, anticipated timelines, special considerations, etc.):

| | |
|---------------|--|
| Notes | |
| Consultant(s) | |

Projected timeline (month/year). Assume “design” includes preparation of all analyses, specs, and environmental review:

Individual project work program complete (assume 2 weeks to prepare):

Consultant(s) selected (if applicable):

Desired design start:

Desired design end:

Submit permits:

Desired construction start:

Key proposal deadline(s) for implementation funding:

Important time considerations?:

[] Ready to go? If not, outstanding issues still to be addressed and estimated month/year of resolution:

| | |
|-------|--|
| Notes | |
|-------|--|

PART 2 – Factors Influencing Permitting Requirements

Note: Fill in as completely as possible with information available to-date. Provide Design/Permit Coordinator with any updates.

Attach the Following:

- 1. Location Map(s) (vicinity, with directions to get to site) and Site Map(s), including a 7.5 minute quad topo.**
- 2. Site Photos, including ones taken to North, South, East, and West of site to show surrounding environment.**

List all sources used for the following information:

PROJECT AREA DESCRIPTION

Environmental setting

Describe surrounding habitat:

Describe adjacent land use (grazing, undeveloped, etc.):

For instream projects:

Describe the stream

Name of the waterway:

Describe the (a) depth, (b) width, (c) gradient, and (d) substrate of the creek:

- (a)
- (b)
- (c)
- (d)

Is this a fish-bearing stream (coho or steelhead)? [] Yes, [] No

Type of stream:

[] Perennial

[] Intermittent

Describe approximately what time of the year it flows:

Describe flow: amount and conditions:

[] Ephemeral

Describe approximately what time of the year it flows:

Describe flow: amount and conditions:

Will the project activities take place below the "ordinary high water mark"¹:

[] Yes, [] No

Will the project require stream diversion? [] Yes, [] No

If yes, describe the type of diversion:

Potential for heavy equipment in stream? [] Yes, [] No

For Fish Passage Projects:

How much fish habitat (feet of stream) is gained if this barrier is removed ?

List locations of other barriers upstream or downstream and distance from site:

Is there a road crossing associated with the barrier?

For out-of-channel (upland or riparian area) projects:

Is the project within 1000 feet of an anadromous fish stream?

If the project is addressing erosion or runoff, or result in temporary runoff during construction, does the runoff contribute to an anadromous fish stream?

^{1 1} The "ordinary high water mark" on non-tidal rivers is defined by the line on the shore established by the fluctuations of water and indicated by physical characteristics such as a clear, natural line impressed on the bank; shelving; changes in the character of soil; destruction of terrestrial vegetation; the presence of litter and debris; or other appropriate means that consider the characteristics of the surrounding areas. Some indicators of the ordinary high water mark include water staining, shelving, and evidence of debris, among other potential indicators.

Visual vegetation assessment:

List dominant native shrubs/trees and approximate coverage of project area:

List non-native species and percent cover:

Estimate how much native vegetation could be affected by the project:

Describe any bank disturbance and trees that may need to be removed:

Are there potential wetlands (including riparian areas) present in the project area?
[] Yes, [] No

If yes, describe location in relation to where work would be performed:

Has a formal wetland delineation been conducted by a qualified individual?

Potential presence of listed plant and/or wildlife species? (describe and provide source of information):

Has a biotic assessment (vegetation and/or wildlife) been conducted at the site? If so, attach a copy to this plan.

Potential take of listed species? (describe):

Potential presence of cultural resources? (indicate source of information):

PROJECT DESCRIPTION

Description of problem, resources impacted

Describe the problem at a local level:

What is the source of the problem (i.e. undersized culvert causing increased water velocities, upland hardscape or road concentrating water, runoff originating from upland area contributing to increased erosion at the project site, etc.)

Describe the impact of the problem (i.e. erosion of channel downstream of culvert causing fish impediment, erosion of bank causing sediment deposition in creek, threat of bank failure, etc.):

Describe the problem at a regional or watershed wide level (what are the symptoms and the underlying problem?)

Describe the systemic problem (downcutting, etc.):

Is the ultimate problem being addressed (indicate whether or not an assessment is underway, etc.)?

What is the urgency of the project (can implementation wait until 2005, 2006, or 2007 and beyond?). Specify if this urgency is related to funding or resource conditions on site:

What other potential remedies (including the “No Action” Alternative) were considered and why were they rejected?

Describe proposed remedy (project):
Include any design standards utilized

What types of maintenance will this project require (over longer term)?

Description of anticipated construction activities:

- How is the work going to be done?
- What type of equipment will be used?
- Where will it be used?
- What is the equipment going to be used for?
- How will equipment be brought into and out of the construction site (access to site, stream bed if applicable)?
- Will machinery need to be operate or cross a creek? (Y/N) If so, describe:
- Staging location and size:
- When is the work proposed (work schedule)?
- Describe use of best management practices (BMPs) anticipated (erosion control measures to prevent impacts to water quality, etc.):

Area of disturbance including staging and construction area (width, length, volume, & slope if applicable):

Grading information-

Volume of cut/fill (cubic yards):
Depth of cut/fill:

Is final project fish passable?
Water depth:
Water velocity:

Feet or acres to be restored as a result of project (include units):

PART 3 – Agency Feedback Obtained During Site Visit

Note: *This section is to be filled out by the Design/Permit Coordinator based on feedback recorded during project site visit.*

| <u>Commenter (Name and Agency)</u> | <u>Comment</u> | <u>Description of how this will be incorporated into the project (design or description).</u> |
|--|----------------|---|
| | | |

PART 4 –Permitting Requirements

Note: *This section is to be filled out by the Design/Permit Coordinator.*

| | |
|-----------------------|--|
| Site visit necessary? | |
| Anticipated date | |
| Agencies who want | |

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| | |
|--|--|
| to attend | |
| Selected remedy | |
| Applicable design standards | |
| Required Reports (hydrol, biotic assessment, erosion control plan, etc.) | |
| Permitting and approval mechanisms | |
| Agency permitting contacts | |
| Environmental review (CEQA document anticipated and CEQA lead) | |
| Permit conditions | |

Appendix B. Regulatory Authorities and Permit “Triggers”

Note: The following is for background information only. The actual permits required for a particular project will be determined by the D/P TAC after reviewing the Project Design & Permit Plan and any necessary site visits.

US Army Corps of Engineers (USACE), San Francisco District *USACE Requirements Applicable to Restoration Activities Carried out Under IWRP*

U.S. Army Corps of Engineers (USACE) enforces Section 404 of the Clean Water Act (CWA) and Section 10 of the Rivers and Harbors Act. Section 404 of the CWA requires that a permit be obtained from the USACE for the discharge of dredged or fill material into “waters of the United States, including wetlands. ” Section 404 requires authorization from the USACE for the discharge of dredged or fill material into all waters of the United States¹, including wetlands, both adjacent and isolated. Discharges of fill material generally include, without limitation: placement of fill that is necessary for the construction of any structure, or impoundment requiring rock, sand, dirt, or other material for its construction; site-development fills for recreational, industrial, commercial, residential, and other uses; causeways or road fills; dams and dikes; artificial islands; property protection or reclamation devices such as riprap, groins, seawalls, breakwaters, and revetments; beach nourishment; levees; fill for intake and outfall pipes and below ground utility lines (crossing beneath waterways); fill associated with the creation of ponds; and any other work involving the discharge of fill or dredged material. A USACE permit is required whether the work is permanent or temporary. Examples of temporary discharges include dewatering of dredged material prior to final disposal, and temporary fills for access roadways, storage and work areas, and materials used to dewater a construction area such as cofferdams.

Section 10 of the Rivers and Harbors Act of 1899 prohibits the unauthorized obstruction or alteration of any navigable waters of the United States without a permit from USACE. Authorization is required for the construction of any structure in or over any navigable water of the United States. Structures or work outside the limits defined for navigable waters of the United States require a Section 10 permit if the structure or work affects the course, location, or condition of the water body. The law applies to any dredging or disposal of dredged materials, excavation, filling, rechannelization, or any other modification of a navigable water of the United States, and applies to all structures, from the smallest floating dock to the largest commercial undertaking. It further includes, without limitation, any wharf, dolphin, weir, boom breakwater, jetty, groin, bank protection (e.g. riprap, revetment, bulkhead), mooring structures such as pilings, aerial or subaqueous power transmission lines, intake or outfall pipes, permanently moored floating vessel, tunnel, artificial canal, boat ramp, aids to navigation, and any other permanent, or semi-permanent obstacle or obstruction.

¹ **Waters of the United States** is a term used to describe areas that fall under federal jurisdiction under the Clean Water Act. Waters of the United States include, but are not limited to: navigable waters; tributaries of navigable waters; waters that are, were, or may be used in interstate or foreign commerce; interstate waters; intrastate lakes, rivers, streams, mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds used by interstate travelers for recreation and other purposes, the use, degradation or destruction of which could affect interstate or foreign commerce. This includes waters that: are used by interstate or foreign travelers for recreation; are the source of fish or shellfish sold in interstate or foreign commerce, or are used for industrial purposes by industries engaged in interstate commerce.

If Section 404 jurisdiction encompasses areas regulated by Section 10, USACE typically combines the permit requirements of Section 10 and Section 404 into one permitting process. USACE issues two types of permits under Section 404 and Section 10, general permits (either nationwide or regional) and standard permits (either letters of permission or individual permits). General permits (nationwide permits and regional general permits) are issued by USACE to streamline the Section 404 process for nationwide, statewide, or regional activities that have minimal environmental impacts. Standard permits (letters of permission and individual permits) are issued for activities that do not qualify for a general permit, i.e., that may have more than a minimal adverse environmental impact.

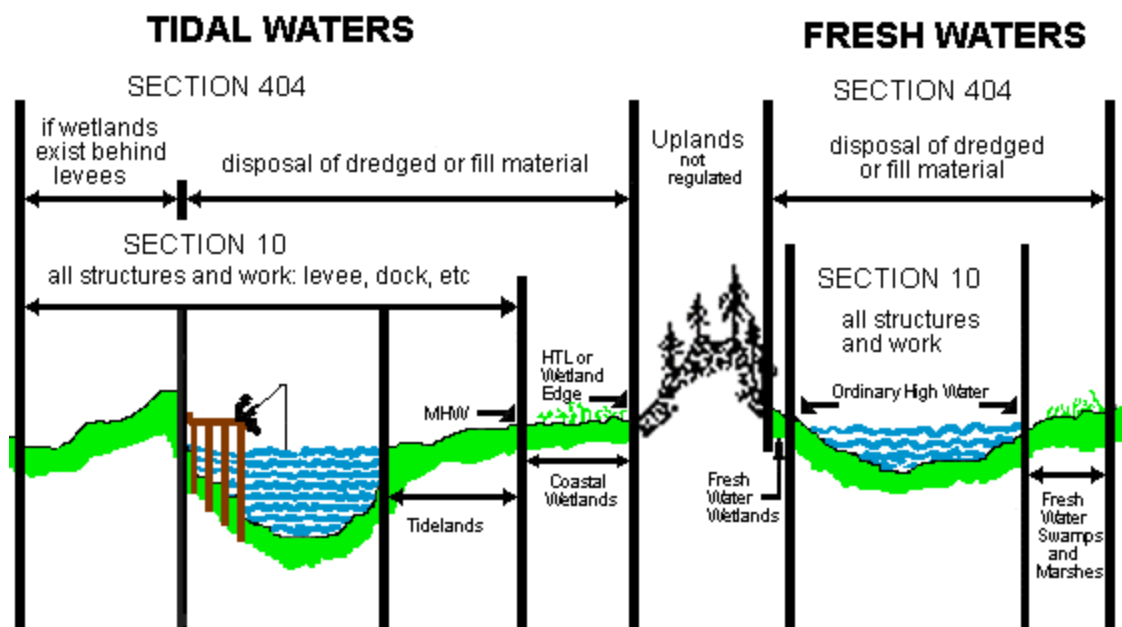


Figure C.1 Corps' Jurisdiction (obtained from the USACE Sacramento website)

USACE "Triggers"

Section 404 and Section 10 requirements apply to any project that involves work in, over, or under navigable waters of the United States (Section 10), or proposing to dump or place dredged or fill material in waters of the United States (Section 404) (Figure C.1). Actions typically subject to Section 404 requirements are those that would take place in wetlands or stream channels that convey natural runoff, including intermittent streams, even if they have been realigned. Artificial channels that convey only irrigation water usually are not included, unless they connect directly to jurisdictional waters of the United States.

Within stream channels, a permit under Section 404 would be needed for any discharge activity below the ordinary high-water mark, which is the line on the shore established by the fluctuations of water and indicated by physical characteristics such as a clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, or the presence of litter or debris. The following types of activities involving navigable waters of the

United States typically require permits from USACE under either Section 404 or Section 10, or both:

- Construction or modification of levees, dams, and dikes;
- Other structures or work, including excavation, dredging, and/or disposal activities within, under, or over the navigable waters;
- Activities that alter or modify the course, condition, location, or physical capacity of these waters; and
- Discharges of dredged or fill material.

USACE Approvals

It's expected that most IWRP projects will qualify for either a regional general permit or a nationwide permit. These two types of approvals are described below.

Regional General Permits (RGPs): Regional permits are issued by the District Engineer for a general category of activities when a) the activities are similar in nature and cause minimal environmental impact (both individually and cumulatively), and b) the regional permit reduces duplication of regulatory control by State and Federal agencies. To be eligible for a regional general permit (RGP), the applicant must meet conditions similar to those of the Nationwide Permit program, including prior notification.

There are two RGPs that are expected to be in place during the life of IWRP: RGP 1 and an RGP for CDFG to carry out activities consistent with their *California Salmonid Stream Habitat Restoration Manual*. Activities authorized under RGP 1 include the renovation, replacement, or removal of existing road, rail or trail crossings of waters of the US, and other related activities such as temporary work access, debris removal, dewatering and channel work, to provide fish passage. Discharged of dredged or fill material associated with the following activities is covered under the RGP 1:

- Projects that improve fish passage, including the placement of backwater and other passage structures
- The removal of road crossings, including culverts and fill, to limit sediment introduction caused when such crossings fail
- The replacement of culverts to increase hydraulic capacity where this can be shown to decrease the risk of failure, and where fish passage is considered in the design
- The cleaning of culverts where failure to clean can be shown to impair normal streamflow or would reduce stability and cause greater introduction of sediment to the stream upon failure
- The placement of temporary stream crossings to access work sites authorized by the RGP
- The construction of coffer dams to aid construction of projects authorized by the RGP
- The construction of fish passage facilities above and below culverts and road crossings
- Mitigation to minimize impacts associated with the above activities provided all activities are conducted according to the terms and conditions of the RGP.

The San Francisco District is currently working on renewing an RGP that was previously in place for activities undertaken by the CDFG consistent with the standards contained in *California Salmonid Stream Habitat Restoration Manual*. It's possible this RGP could apply to a larger group of potential project applicants depending on the final conditions developed for the RGP (USACE still developing this RGP). The USACE hopes to have this RGP in place for this summer.

Nationwide Permits (NWP): A nationwide permit is a form of general permit which authorizes a category of activities throughout the nation. These permits are valid only if the conditions applicable to the permits are met. If the conditions cannot be met, a regional or individual permit will be required.

For nationwide and general permits that require preconstruction notifications (described below), the following information is required:

- The name, address, and telephone numbers of the prospective permittee;
- The location of the proposed project;
- A brief description of the proposed project, the project's purpose, and direct and indirect adverse environmental effects the project would cause; and
- Any other NWPs, RGPs, or individual permits used or intended to be used to authorize any part of the proposed project or any related activity.

Specific NWPs have additional requirements, such as a wetland delineation or restoration plan for temporary wetland impacts (see the *REQUIRED ANALYSES* section).

US Fish and Wildlife Service (USFWS) and NOAA Fisheries (formerly the National Marine Fisheries Service)
Federal Endangered Species Act Requirements Applicable to Restoration Activities Carried out Under IWRP

USFWS and NOAA Fisheries administer the Federal Endangered Species Act (FESA). These two agencies must ensure protection of those species federally listed as threatened or endangered. Consultation with USFWS or NOAA Fisheries is required when there is the potential for federally listed species to be present in the project area. Consultation with NOAA Fisheries is required for potential impacts to anadromous species in the project area while all other species are under the jurisdiction of USFWS.

Section 9 of FESA prohibits the take of endangered species and prohibits the violation of any regulations that prohibit the taking of threatened species². If there is the potential for project activities to result in the take of these species, USFWS and NOAA Fisheries in consultation with the Project Lead may issue an "incidental take permit" (pursuant to either Section 7 or Section 10 of FESA). Consultation is with NOAA Fisheries and is conducted via one of these two principal pathways depending on whether or not a "federal nexus" exists for the project. A "federal nexus" is established if an activity is authorized, funded, or carried out by a federal agency. For an applicant who does not represent a federal agency, one of the most common examples of a federal nexus that might exist is if a project requires a permit from another federal agency such as the U.S. Army Corps of Engineers.

² "Take" is defined as: to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect a listed species. Harm includes actions such as significant habitat modification that kill or injure listed species. "Critical habitat" for listed species consists of either 1) the specific areas within the geographical area occupied by the species at the time it is listed in accordance with the provisions of ESA on which are found those physical or biological features (constituent elements) that are a. essential to the conservation of the species and b. which may require special management considerations or protections and 2) areas outside the geographical range occupied by the species at the time it is listed but that are determined to be essential for the conservation of the species.

Section 7 Consultation – Federal Nexus Exists

If a “federal nexus” does exist for a particular project, consultation with USFWS and NOAA Fisheries may proceed via a Section 7 consultation. Under Section 7, if a project is “authorized, funded, or carried out” by a federal agency, that federal agency must ensure that these actions are not likely to jeopardize the continued existence of any listed species or result in the destruction or adverse modification of critical habitat³. If the federal agency (applicant) determines that their action may affect listed species, they must initiate Section 7 consultation with USFWS and/or NOAA Fisheries. The initiation package includes a Biological Assessment, developed by the applicant, that USFWS and/or NOAA Fisheries will use to evaluate the effects of the action on the species and on the designated critical habitat.

NOAA Fisheries and USFWS conduct an informal consultation when the effects of a proposed project are discountable, insignificant, or completely beneficial to the listed species in the project area and no incidental take will occur. Informal consultations are typically concluded with a letter from USFWS or NOAA Fisheries, usually within approximately one month of the initiation of the consultation.

If a federal agency determines that an agency action may adversely affect listed species or critical habitat and take of listed species is expected, NOAA Fisheries and USFWS will initiate a formal consultation with the applicant. Formal consultations are concluded with NOAA Fisheries or USFWS issues a Biological Opinion, which may include terms, and conditions to further reduce impacts. Authorization of incidental take is also included in this Biological Opinion. If the biological opinion concludes that the project as proposed would involve the take of a listed species, but not to an extent that would jeopardize the species’ continued existence, the opinion must include an ‘incidental take statement’. The incidental take statement must specify an amount of take that may occur as a result of the action and suggest reasonable and prudent measures to minimize the impact of the take. If the action complies with the biological opinion and incidental take statement, it may be implemented without FESA being violated. If the biological opinion concludes that the proposed action would jeopardize the continued existence of a listed species or adversely modify its critical habitat, the opinion must suggest “reasonable and prudent alternatives” that would avoid that result, if any. USFWS and NOAA Fisheries cannot issue an incidental take permit for an action that would warrant a jeopardy opinion under Section 7.

Section 10 Consultation – Federal Nexus Does Not Exist

For projects where there is no “federal nexus”, Section 10 of the FESA allows USFWS or NOAA Fisheries to issue incidental take permits for otherwise lawful actions for which it is impractical to avoid take. In the absence of a “federal nexus”, the project applicant must meet certain requirements to comply with FESA, including the requirement to prepare a habitat conservation plan (HCP) that analyzes and explains an action’s impacts on the listed species and discuss measures to minimize and mitigate the impacts including a monitoring plan.

³ “Jeopardy” is defined by a Federal agency action that would threaten the continued existence of a listed species or adversely modify the species’ critical habitat.

USFWS and NOAA Fisheries “Triggers”

If there is the potential for a federally listed threatened or endangered species to be present in the project area, some level of consultation with USFWS and/or NOAA Fisheries is required. To determine the likelihood for listed species to be present, the Project Lead can check the California Natural Diversity Database⁴, existing environmental documents prepared in the project area, or call USFWS and/or NOAA Fisheries to determine the potential for listed species to occur in the project area. If it can be shown that project activities can avoid or will have only very minimal effects to listed species in the project area, consultation can occur with these federal agencies in a more simplified manner either via a telephone communication or request for a written “letter of concurrence” from USFWS and/or NOAA Fisheries that project activities would only result in negligible effects to the species and no further consultation is required. If project activities had the potential to result in “take” of the listed species, as described above, a formal consultation process may be required. The potential for “take” is generally the threshold that triggers a formal consultation with USFWS or NOAA Fisheries. For example, for USFWS, if a project area contained appropriate habitat for the California red legged frog, but the Project Lead shows that project activities can avoid this area during construction (rope or fence it off for example), it is possible that consultation could proceed informally with USFWS. On the other hand, if project activities were likely going to involve work in areas characterized as red legged frog habitat (and the absence of frogs could not be proven via presence/absence surveys), such project activities might result in take of the species and would require formal consultation. In the case of NOAA Fisheries, the trigger for a formal consultation would be whether or not protected salmonids (coho and steelhead) had to be moved from the work area. This is usually a question of whether or not the instream work area requires dewatering. If dewatering is necessary but water can be diverted around the work space while maintaining a live channel for fish to pass around the work site, consultation could occur on an informal level. Alternatively, if a work area required complete dewatering such as installation of coffer dams, pumping of water out of the channel, and capturing any stranded fish, a formal consultation with NOAA Fisheries would be required⁵.

Central Coast Regional Water Quality Control Board (RWQCB)

RWQCB Requirements Applicable to Restoration Activities Carried out Under IWRP

Under Section 401 of the federal Clean Water Act, the Regional Water Quality Control Boards have the authority to issue, waive, or deny certification that a proposed activity is in conformance with state water-quality standards. Projects covered under IWRP may require a Section 401 certification from the RWQCB which is essentially a “permit” for discharges to waterways that may occur during the construction phase of a project. Alternatively, under the state Porter-

⁴ The California Natural Diversity Database (CNDDDB) is the repository of information on rare, threatened, and endangered plants and animals maintained by the Habitat Conservation Division of the California Department of Fish and Game (CDFG).

⁵ One of the benefits of the U.S. Army Corps of Engineers Regional General Permits is that they provide an expedited process for ensuring compliance with FESA. When the USACE develops an RGP, USFWS and NOAA Fisheries conduct a formal Section 7 consultation with the USACE on the RGP. They issue Biological Opinions that cover activities included under the RGP. If a project qualifies for an RGP, the review process for USFWS and NOAA fisheries occurs much more quickly than if the project required independent review by these agencies. This is because when NOAA Fisheries and USFWS consult on the USACE’s RGP, they have essentially reviewed the potential effects associated with the types of activities covered by the permit. For an individual project, a “tiering letter” accompanied by an incidental take statement may be all that is required from the USFWS and NOAA Fisheries, even if a formal consultation is triggered. Of course, only projects that occur within the USACE’s jurisdiction and fit within the parameters of the RGP could benefit from this expedited review.

Cologne Act, the Regional Water Quality Control Board has the authority to issue a waste discharge requirement (WDR) specifying the concentration or load limits allowable for a particular activity.

The RWQCBs issue WDRs to regulate activities of entities subject to the State's jurisdiction that would discharge waste that may affect groundwater quality or that may discharge waste in a diffused manner (e.g., through erosion from soil disturbance). The types of activities that fall under this requirement include dredging or filling operations, experimental or long-term work in sensitive environments, and the disposal of wastes on land. For specific situations, RWQCBs may waive the requirement to obtain a WDR for discharges to land, or they may determine that a general NPDES permit or general WDR may be more effective for a proposed discharge.

RWQCB "Triggers"

The need for a 401 certification or WDR is triggered by the potential for an activity to result in the release of waste material into a waterway. Any project that requires a Federal permit or license for an activity that may result in the discharge of dredge or fill material must obtain certification from the State. Specifically, when applying for a federal authorization (e.g., Section 404 or Section 10 authorization from the USACE) this would trigger the need for Section 401 compliance. Even if the goal of a particular project (erosion control project for example) is the reduction of sediment and pesticide delivery to streams, the initial implementation of these types of projects may result in discharges of sediments to waterways. For example, grading activities, stream bank restoration, preparations for planting, and construction of underground drainage facilities may result in a short-term increase in erosion potential that would trigger the need for a 401 certification.

California Department of Fish and Game (CDFG)

CDFG Requirements Applicable to Restoration Activities Carried out Under IWRP

Under Section 1600 of the California Fish and Game Code, anyone proposing to carry out an action in a river, creek or stream must notify the California Department of Fish and Game, which is then responsible for determining if there is a need for a Streambed Alteration Agreement. A Streambed Alteration Agreement basically is a contract between the applicant and CDFG regarding what will and will not be done in the riparian zone and stream course.

CDFG is also responsible for enforcing the mandates of the California Endangered Species Act (CESA) and they have jurisdiction over species listed as protected under this state law. In some cases, CDFG may issue incidental take statements similar to the federal agencies USFWS and NOAA Fisheries. Section 2081 (Incidental Take) Agreements are similar to HCPs described above. Species listed as "Fully Protected" by the State are afforded an higher level of protection which can result in stringent restrictions on activities occurring in areas where these Fully Protected species could potentially occur. Incidental Take of Fully Protected species is prohibited unless the project's express purpose is for the recovery of that species (SB 412).

CDFG "Triggers"

Notification of CDFG is required whenever a project will substantially divert, obstruct, or change the natural flow or bed, channel, or bank of any river, stream, or lake designated by CDFG in which there is at any time an existing fish or wildlife resource or from which these resources derive benefit, including clearing or grading of land. Notification is generally required for any project that will take place in or in the vicinity of a river, stream, lake, or their tributaries. This includes rivers or streams that flow at least periodically or permanently through a bed or channel

with banks that support fish or other aquatic life and watercourses having a surface or subsurface flow that support or have supported riparian vegetation. This requirement may in some cases apply to any work undertaken within the 100-year floodplain of a body of water or its tributaries, including intermittent streams and desert washes. As a general rule, however, it applies to any work done within the annual high-water mark of a wash, stream, or lake that contains or once contained fish and wildlife, or that supports or once supported riparian vegetation. California Fish and Game code Section 1600 allows CDFG to propose reasonable modifications to the implementation and maintenance of a project if fish and wildlife resources may be substantially adversely affected by such practices. If CDFG determines that the project may have a substantial adverse effect on a fish or wildlife resource, a Lake or Streambed Alteration Agreement that includes measures necessary to protect fish and wildlife will be developed in coordination with CDFG and the project applicant for project activities. CDFG jurisdiction is also triggered if a project has the potential to affect a state listed threatened or endangered species.

County of Santa Cruz

County of Santa Cruz Requirements Applicable to Restoration Activities Carried out Under IWRP (Including compliance with the California Coastal Act)

Santa Cruz County General Plan/Local Coastal Program

The California Coastal Act of 1976 established a Coastal Zone along the State's Pacific Coast. In Santa Cruz County, this zone extends about five miles inland from the North Coast. From Natural Bridges to 41st Avenue in Capitola, it extends about 0.6 miles inland. From Capitola to the south County boundary, it extends to Highway One. The 1994 General Plan/Local Coastal Program (GP/LCP) was adopted by the County on May 24, 1994, and certified by the California Coastal Commission on December 15, 1994 (County of Santa Cruz 1994). The GP/LCP incorporates the County's Growth Management System that includes natural and agricultural resource protection policies, policies to address urban sprawl and policies to maintain the character of the rural portion of the County. To accomplish these goals, the GP/LCP requires that all development activities be regulated through the implementation of specific County ordinances.

California Coastal Act and the Coastal Commission

Under the California Coastal Act, the Coastal Commission or a local agency to which the authority has been delegated through a Local Coastal Program (LCP), is required to administer a Coastal Development Permit program for proposed activities in the coastal zone. Where there is a certified LCP, Coastal Commission authority for enforcement of Coastal Act provisions is concurrent with that of the local government. Any action in the coastal zone triggers the need for a Coastal Development Permit. In Santa Cruz, there is an LCP in place and authority has been delegated to the County of Santa Cruz to administer the program.

Coastal Zone Development Permit Triggers

In Santa Cruz County, if a project is located within the Coastal Zone and involves any land "development," it must obtain a Level 5 development permit through the County. "Development" is defined to include:

- Construction, reconstruction, size alteration, or demolition of a structure
- Grading, removing, placement, and extraction of any earth material
- Subdivision and minor land division
- Change in the density or intensity of land use
- Harvesting of major vegetation, except for agriculture and timber harvesting

Santa Cruz County Code Chapter 16.20 (Grading Regulations)

The purpose of this chapter is to safeguard health, safety, and the public welfare; to minimize erosion and the extent of grading; to protect fish and wildlife; to protect the watersheds; to insure the natural appearance of grading projects; and to otherwise protect the natural environment of Santa Cruz County.

Grading Permit “Triggers”

Generally, a grading permit is required for the following:

- moving more than 100 cubic yards of earth;
- creating a cut slope greater than 5 feet high;
- fills which are greater than 2 feet deep, located on slopes over 20 percent, or used for structural support; and
- all shoreline protection projects, including seawalls and rip-rap, even if less than 100 cubic yards of material.

The Grading Ordinance (County Code Chapter 16.20) provides that certain activities are exempt from grading permit requirements. These include: excavations for basements and foundations for buildings authorized under a valid building permit, cemetery graves, well and utility excavations, and routine agricultural work to prepare a field for a crop for continued agricultural use.

Grading projects involving more than 1,000 cubic yards of material must also undergo a formal environmental review under the requirements of the California Environmental Quality Act (CEQA). This type of project requires preparation of a formal environmental assessment document and a mandatory public review period.

When the grading plans conform to all relevant regulations, the application can be approved by the Senior Civil Engineer in the Environmental Planning section. Certain large grading projects require approval by the County Planning Commission at a full public hearing. The grading plans may be approved as submitted, or with conditions added to the approval. Conditions of approval vary considerably depending on the site and the specific proposal. They typically include erosion control requirements, establishing the limits and/or quantities of grading, and other requirements necessary to protect health, safety and the environment. The permit will also include a requirement to complete the grading activities within a specific time to avoid erosion problems during the rainy season.

Conditions of Approval of a Grading Permit

The project must meet all requirements of the County Code (Chapter 16.20) and General Plan. Grading projects vary considerably throughout the County, as do the properties where grading is proposed. In addition to the general requirements listed below, it's possible that special rules or constraints could apply to the property. These might include: location in the Coastal Zone, location within a designated scenic area, or the presence of an environmentally sensitive resource such as a stream, riparian area, or habitat for rare or endangered species.

General requirements applicable to most grading permit applications include:

- All plans must comply with the design standards contained in the Grading Ordinance. These technical standards cover slope angle, fill placement, road standards and related issues. (If the project involves construction of a road, should contact the responsible Fire Department to determine their road requirements before preparing grading plans.)
- The project should be designed to maintain the natural contours of the site and to minimize grading to the greatest extent possible. Projects that propose significant alterations to natural topography, instead of minimizing the amount of earthwork (for example, utilizing retaining walls or grade beam or stepped foundations), may be denied. This issue becomes especially important in visually prominent areas in the Coastal Zone.
- The project must also conform with the County Erosion Control Ordinance. This ordinance contains standards prohibiting obstruction of natural drainage courses and generally prohibiting the construction of new roads on slopes greater than 30 percent. This ordinance also requires soil erosion to be minimized and controlled at all times, and requires preparation of a specific Erosion Control Plan.
- Grading activity is generally not approved during the rainy season, October 15th to April 15th. Grading during this period requires specific approval, and is subject to strict limitations. Grading operations should be planned for the period between April 16th and October 14th.
- Grading permits to construct a building site or an access road to serve a building site cannot be issued until the building permit for the structure is also issued.

A grading project will require periodic inspections by County staff. A final inspection is required at the conclusion of the project. If a geotechnical (soils) report or geologic report was prepared for the project (See next section “Required Analyses”), it will be necessary for the geologist and/or soils engineer to conduct periodic inspections, including a final inspection.

Santa Cruz County Code Chapter 16.22 (Erosion Control)

The purpose of this chapter is to eliminate and prevent conditions of accelerated erosion that have led to, or could lead to, degradation of water quality, loss of fish habitat, damage to property, loss of topsoil and vegetation cover, disruption of water supply, and increased danger from flooding, and to implement Local Coastal Program land use policies. The erosion control ordinance requires control of all existing and potential conditions of accelerated (human induced) erosion, sets forth provisions for project planning, preparation of erosion control plans, runoff control, land clearing, and winter operations, and establishes procedures for administering these approvals.

Erosion Control Plan “Triggers”

a) For projects where no land development permit has been issued, which may be the case for many restoration projects, the following types of land clearing would require approval of an erosion control plan:

1. Any amount of clearing in a sensitive habitat, (defined below)
2. One-quarter acre or more of clearing in the Coastal Zone if also in a least-disturbed watershed, a water supply watershed, or an area of high erosion hazard.
3. One acre or more of clearing in all areas not included in Items 1 and 2.

(b) When a land development permit has been issued, land clearing may be done according to the approved development plan:

1. For land clearing in the Coastal Zone which will be more than that shown on the approved erosion-control plan, a new land-clearing approval is required if the land is located in a least-disturbed watershed, a water supply watershed, or an area of high erosion hazard.
2. For land-clearing in any area which will include more than one acre in excess of that shown on the approved plan, a new land-clearing approval is required.

(c) Approval of land clearing shall meet the following conditions. All disturbed surfaces shall be prepared and maintained to control erosion and to establish native or naturalized vegetative growth compatible with the area. This control shall consist of:

1. Effective temporary planting such as rye grass, barley, or some other fast-germinating seed, and mulching with straw and/or other slope stabilization material;
2. Permanent planting of native or naturalized drought resistant species of shrubs, trees, etc., pursuant to the County's Landscape Criteria, when the project is completed;
3. Mulching, fertilizing, watering or other methods may be required to establish new vegetation. On slopes less than 20 percent, topsoil shall be stockpiled and reapplied.

Soils Engineering and Engineering Geology Reports "Triggers"

Soils Reports are typically not required for non-habitable structures. If one or more of the following items is true for a project, the proposed project will probably need a Soils Report. The County Geologist or a Registered Civil Engineer on the Planning Department staff will make the final determination.

1. Is the proposed building site or access roadway located on property having any undocumented or un-permitted grading (such as log landings, logging roads or prior, unauthorized grading)?
2. Is the building site or access roadway located on a proposed fill pad or embankment deeper than two feet, or will the building foundation be supported by fill?
3. Does the project propose any grading activities with heights of cuts or fills over three feet or retaining walls over three feet located within five feet (horizontally) of a property line? Or would the project have any potential to cause instability or other grading-related, impacts to adjacent property?
4. Is the proposed grading or development activity located in an area with an average slope gradient of 30% or more?
5. Does the project involve significant cut and/or fill slopes (i.e. five feet or greater in height) related to slope stabilization, landslide repairs, streambank or coastal protection structures, or retaining walls of five feet or greater height?
6. Is there evidence of high groundwater, or spring activity in the vicinity of the proposed grading?
7. Is any portion of the proposed area of development within a FEMA floodplain or floodway?

8. For projects adjacent to any (existing or proposed) slopes exceeding 33.3% slope and six feet in height, are any proposed structures located within the setback area (set back area depiction can be viewed at:

<http://sccounty01.co.santacruz.ca.us/planning/soilsguidelines.htm>)

Santa Cruz County Code Chapter 16.30 (Riparian Corridor and Wetlands Protection)⁶

The purpose of this chapter is to eliminate or minimize any development activities in the riparian corridor in order to preserve, protect, and restore riparian corridors for: protection of wildlife habitat; protection of water quality; protection of aquatic habitat; protection of open space, cultural, historical, archeological and paleontological, and aesthetic values; transportation and storage of floodwaters; prevention of erosion; and to implement the policies of the General Plan and the Local Coastal Land Use Plan.

Riparian Corridors and Riparian Exceptions

A riparian corridor is defined by the County to be a unique plant community consisting of the vegetation growing near a river, stream, lake, lagoon or other natural body of water. It serves a variety of functions important to people and the environment as a whole by:

- Preserving water quality by filtering sediment from runoff before it enters rivers and streams.
- Protecting stream banks from erosion.
- Providing a storage area for flood waters.
- Providing food and habitat for fish and wildlife.
- Preserving open space and aesthetic surroundings.

Riparian Exception “Triggers”

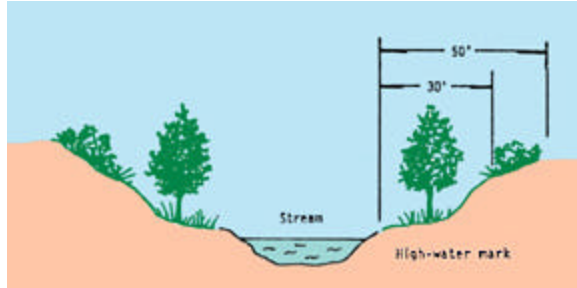
Santa Cruz County Riparian Corridor Protection Ordinance contains guidelines for controlling development in riparian corridors. Any “development” within riparian corridor boundaries or buffer areas requires a riparian exception. A riparian exception is required for grading, land clearing, building and tree or shrub removal in these areas. Deposition of debris and use of pesticides are prohibited.

Determining Boundaries of the Riparian Corridor as Defined by the County

A riparian corridor is determined by boundaries set by horizontal measurements. For specific widths, see County Code Section 16.30.040.

⁶ The California Coastal Commission utilizes a single-criteria methodology for delineating wetlands (unlike the USACE’s 3-criteria methodology). The USACE methodology requires the presence of all three wetland indicators (i.e., periodic saturation, hydric soils, and hydrophytic vegetation) in order to classify an area as a wetland. The Coastal Commission, on the other hand, considers a wetland to be any area that is wet enough long enough to support a preponderance of hydrophytic vegetation or to result in soil that is predominantly hydric. In other words, only one of the three primary indicators of wetlands need be demonstrated for an area to be identified as a wetland (CCR) Section 13577. For projects in the Coastal Zone, the County (and/or Coastal Commission through the LCP) may require potential impacts to wetlands to be determined based on this single-criteria delineation methodology.

Along Rivers and Streams

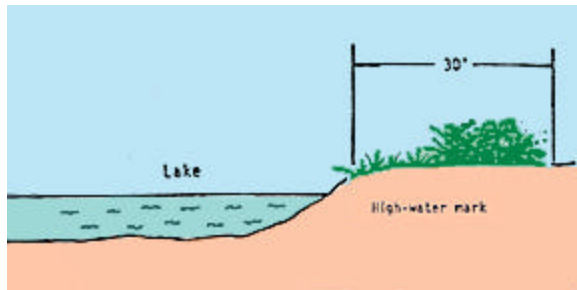


A strip containing a year-round flowing stream and the land extending 50 feet from the high-water mark on each side.

or

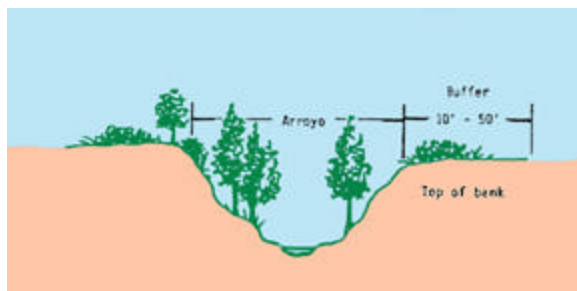
A strip containing an intermittent seasonal stream and the land extending 30 feet from the high-water mark on each side.

Around Lakes, Marshes and Lagoons



An area extending 30 feet from the high-water mark (100' in the coastal zone) of a natural standing body of water.

Buffers Along Arroyos in Urban Areas



An area extending 10 to 50 feet from the top of an arroyo, depending on the type of stream, vegetation and slope of the arroyo banks.

Riparian Woodlands

Typical riparian vegetation within a corridor includes black cottonwood, alder, sycamore, box elder, creek dogwood and willow. Riparian woodlands are shown on the County General Plan maps or can be identified by field investigation. The corridor boundary extends to the outer limit of riparian vegetation, which in some cases is beyond the horizontal distances shown in the sketches.

Certain activities are exempt from the ordinance, including:

- Continuance of a pre-existing use (both agricultural and non-agricultural).
- Work done in accordance with a valid State Timber Harvesting Permit.
- Activities listed in the California Food and Agricultural Code for pest control.
- Drainage, erosion control, or habitat restoration required as a condition of County approval of a project.

Santa Cruz County Code Chapter 16.32 (Sensitive Habitat Protection)

The purposes of this chapter are to minimize the disturbance of biotic communities, which are rare or especially valuable because of their special nature or role in an ecosystem, and which could be easily disturbed or degraded by human activity; to protect and preserve these biotic resources for their genetic, scientific, and educational values; and to implement policies of the General Plan and the Local Coastal Program Land Use Plan.

The *County Sensitive Habitats Protection Ordinance* was designed to minimize disturbance in sensitive habitats and to protect these areas for their genetic, scientific, and educational value. The County defines a sensitive habitat as:

An area important to the survival of a plant or animal species that is valued because of the unique role it plays in the environment. Sensitive species and their ecological systems are plants and animals in danger of dying out due to low numbers of individuals per population, a limited number of populations, or a highly limited, fragmented, or vulnerable habitat. Sensitive species are protected under State law, Federal law, the County General Plan or other regulations. Sensitive habitats include:

- the areas where these species live
- the areas necessary for survival of the species (such as nesting, migration, or feeding grounds)
- any location where disturbance is likely to lower population numbers
- all marine, wildlife, and educational/research reserves
- riparian corridors.

No development activities or land disturbance may occur in a sensitive habitat until a *biotic review* has been completed. This review determines what kinds of development activities can be conducted and what mitigation measures may be necessary to ensure protection of the habitat.

“Development activity” includes any action that results in disturbance to rare, endangered, or locally unique plants and animals or to their habitats. Development includes, but is not limited to:

- building, reconstruction, or alteration of structures on land, in or near natural bodies of water

- grading, land clearing
- change in density (including land divisions) or intensity of land use.

These activities may be restricted depending on the specific sensitive habitat under consideration. Development may be permitted as long as the habitat remains undisturbed; permitted as long as mitigation measures can correct any resulting adverse effects; or prohibited. *Any development activity which has received a riparian exception approved according to the provisions of Chapter 16.30 (Riparian Corridors and Wetlands Protection) may be exempted from the provisions of this chapter if the Planning Director determines that such development activity has received a review, in connection with the granting of the riparian exception, equivalent to the review that would be required by this chapter.*

Santa Cruz County Code Chapter 16.34 (Significant Trees Protection)

The purposes of this chapter are to protect and preserve the trees and forest communities located within the County's Coastal Zone as valuable resources. Removal of significant trees could reduce scenic beauty and attractiveness of the area to its residents and visitors. The preservation of significant trees and forest communities on private and public property is necessary to protect and enhance the County's natural beauty, property values and tourist industry.

Significant Tree Removal Permit: Coastal policies encourage the preservation of mature trees. However, if you have to remove a tree larger than 5 feet around, or a clump of trees (five or more) that are each 3 feet around, you must first obtain a permit. Trees that become so hazardous that they are a threat to life or property may be removed immediately, but you must notify the Planning Department within 10 business days.

Santa Cruz County Code Chapter 16.42 (Historic Preservation)

The purpose of this ordinance is to designate, preserve, protect, enhance, and perpetuate those designated historic structures, districts and sites which contribute to the cultural benefit of Santa Cruz County, and to provide for this, and future generations, examples of the physical surroundings of past generations; to foster civic awareness and pride in the rich diversity of the County's heritage; to enhance property values and the stability of the neighborhoods and areas in the County; and to encourage preservation and maintenance of the cultural and historical heritage of the County for purposes of education and the fostering of the knowledge of the past.

Santa Cruz County Code Chapter 16.44 (Paleontological Resources Protection)

The purpose of this ordinance is to protect the paleontological resources for their scientific and educational values based on the policies and designations contained in the GP/LCP.

Santa Cruz County Code Chapter 16.50 (Agricultural Land Preservation and Protection)

The purposes of this chapter are to designate, preserve and protect the commercial agricultural lands in the County for exclusive agricultural use; protect noncommercial agricultural land; to support and encourage continued agricultural operations in the county; to maintain in exclusive agricultural use commercial agricultural land which is located within utility assessment districts, while recognizing that equitable compensation may be due because of the assessment district-caused encumbrances; and to forewarn prospective purchasers and residents of property adjacent to agricultural operations of the necessary sounds, odors, dust and hazardous chemicals that accompany agricultural operations. It is an additional purpose of this chapter to ensure the maximum protection of commercially viable agricultural land by weighting decisions, in cases where there is not clear evidence of the unsuitability of the agricultural land, in favor of the preservation of the land for agricultural use.

Other possible County approvals required for IWRP projects:

Building Permit (for bridges): A building permit may be required for restoration projects that involve the installation of bridges.

Encroachment Permits (Department of Public Works): An encroachment permit may also be required by Public Works if a project involves the placement of any structure (such as a drainage outlet for example) in a County right-of-way. Encroachment permits are obtained through the County Department of Public Works.

California Environmental Quality Act (CEQA) Compliance

CEQA's main objectives are to disclose to decision makers and the public the significant environmental effects of proposed activities and to require agencies to avoid or reduce the environmental effects by implementing feasible alternatives or mitigation measures. CEQA applies to all discretionary activities proposed to be carried out or approved by California public agencies, including state, regional, county, and local agencies, unless an exemption applies. CEQA applies to private activities that require discretionary governmental approvals.

Under CEQA, there are four types of agencies that may be involved in a CEQA review process. The lead agency is the California government agency that has the principal responsibility for carrying out or approving a project, and therefore is also responsible for preparing the CEQA documents. The lead agency is responsible for deciding whether a negative declaration or an environmental impact report (EIR) will be required, and for determining the scope and content of that document. The lead agency is required to make changes in a project to lessen or avoid significant effects, when feasible, or to disapprove a project to avoid significant effects unless the project's benefits outweigh those effects.

A responsible agency is a California governmental agency other than the lead agency that also has a legal responsibility for carrying out or approving a project. A responsible agency must review the lead agency's CEQA document and use the document when making a decision on the project.

A trustee agency is one having jurisdiction over certain resources held in trust for the people of California, but not having a legal authority over approving or carrying out the project. Four state agencies are designated as trustee agencies: the California Department of Fish and Game with regard to fish and wildlife of the state, native plants designated as rare or endangered, game refuges, and ecological reserves; the State Lands Commission with regard to state-owned sovereign lands, such as the beds of navigable waters and state school lands; the California Department of Parks and Recreation, with regard to units of the state park system; and the University of California, with regard to sites within the Natural Land and Water Reserves System. Trustee agencies must be notified of CEQA documents relevant to their jurisdiction.

Finally there are agencies with jurisdiction by law, which comprise all other agencies having legal jurisdiction with regard to a project, including each city or county that borders on a city or county within which the project is located; and state, federal and local agencies that exercise authority over resources that may be affected by the project. Agencies with jurisdiction by law must be consulted in the process of preparing an EIR.

The CEQA process also has a public participation component including the scoping process, public notice and public review of CEQA documents, public hearings, and by requiring agencies to respond to public comments in final EIRs.

Each project carried out under IWRP must be CEQA-compliant. The County will likely be the lead CEQA agency for many of the IWRP projects. In some cases, other local or state agencies could take the lead. The DP Coordinator will work with project leads and the DP TAC to ensure that the appropriate CEQA lead is identified for each project.

The Partners in Restoration Permit Coordination Program

The Santa Cruz County Resource Conservation District (RCD), the USDA Natural Resources Conservation Service (NRCS), and Sustainable Conservation have been working to develop a permit coordination program for environmentally beneficial projects on private lands in Santa Cruz County, with funding from the Coastal Conservancy, the NRCS, and the Community Foundation of Santa Cruz County. Under the permit coordination program, permitting agencies will enter into programmatic agreements with the NRCS and Santa Cruz County RCD that cover fifteen specific, standardized conservation practices. The permit coordination program will require that landowners follow NRCS designs and specifications for conservation work. This results in high quality work and ensures follow up and monitoring on each conservation project completed in association with the NRCS and Santa Cruz County RCD.

In some cases, an IWRP project may fit within the parameters of the permitting approvals negotiated for the Santa Cruz Countywide Partners in Restoration Permit Coordination Program. In these cases, the landowner no longer needs to obtain permits on their own. In order for a project to be carried out under the permit coordination program, a project must either be led by a landowner who works with the RCD and NRCS or it must be an RCD-led project. The project activities (nature of work and size of the project) must also fit within the parameters of the permit coordination program. Once the programmatic approvals are in place from the agencies, the NRCS and RCD make the determination as to whether or not a particular project may be carried out under the permit coordination program. The goal is to have programmatic approvals in place for construction season 2004.

Appendix C: Fees Associated with Permit Applications

The following table provides some estimates for fees associated with various permit applications that may be required for IWRP projects. The information was compiled to provide guidance to project leads in estimating project costs but should not be considered to be an exhaustive list of potential permitting fees. Many of these fees will depend on the specifics of a particular project. Project leads should use the list to estimate potential costs but work programs may need to be revised if it is determined that application fees are significantly different than what was estimated at the time of preparation of the work program.

Table C.1. Estimates of Potential Fees Associated with Permit Applications (note: these may change over time and project leads will be provided with updated fee schedules as needed)

| <i>Agency</i> | <i>Permit</i> | <i>Fee</i> |
|--|--|---|
| California Department of Fish and Game | 1602 Streambed Alteration Agreement | \$154.00 non-refundable application fee, plus: a. No additional fee for projects costing less than \$25,000 ¹ . b. \$618.75 additional processing fee for projects costing from \$25,000 to \$500,000 [for a total of \$772.75]. c. \$1,236.50 additional processing fee for projects costing over \$500,000 [for a total of \$1,390.50]. |
| | Chapter 1 CEQA Review (If not a de minimus finding by lead agency) | \$1,250 |
| Regional Water Quality Control Board | Chapter 2 401 Water Quality Certification | \$500 |
| County of Santa Cruz Planning² | Grading Permit | Grading up to 250 cubic yards: \$483 Grading 251 to 1,000 cubic yards: \$1,090 Grading 1,001 to 8,000 cubic yards: \$2, 750 Grading –Level 6/>8000 cubic yards/EIR/>1,000 cubic yards in coastal scenic area: \$5,500 ³ |
| | Riparian Exception | Riparian Exception Presite: \$598 Riparian Exception- Minor ⁴ : \$557 |

¹ "Project cost" as used in the CDFG fee schedule refers only to the cost of that part of your activity (i.e. implementation) for which you are notifying CDFG and may need a Lake or Streambed Alteration Agreement.

² Calculation of fees for County Planning Department fees for discretionary reviews, permits (i.e. Coastal Development Permit), capital services and improvements is based on project complexity, specific site characteristics, location, and other factors and therefore, will be project-specific. For planning fees for projects identified as "At Cost" in the table above are charged on an actual cost basis. A deposit equal to 100% of the estimated processing cost is submitted at the time of application and if project costs exceed this initial deposit, the applicant may be required to provide an additional deposit as indicated for each approval in the table above.

³ Development Permit Level 6 a higher level of review (by the Zoning Administrator) that is required for projects including major grading projects (8,000 + cubic yards) and appeals of decisions made by the Zoning Administrator or Environmental Coordinator. Level 5 development permit is required for projects involving any grading in the Coastal Zone.

| <i>Agency</i> | <i>Permit</i> | <i>Fee</i> |
|--|---|--|
| | | Riparian Exception – Major: \$1,250 |
| | Coastal Zone Permits | Notice of Coastal Exclusion: \$56 Coastal –Level 5: At Cost (deposit): \$5,000 Coastal-Level 6: At Cost (deposit): \$6,250 |
| | Significant Tree Removal | Significant Tree Removal: \$327 Significant Tree Removal (Over the Counter): \$51 |
| | Right-of-Way <40 ft | \$1, 254 |
| | Archaeological | Report Review: \$639 Site Review (<20 acres): \$312 Site Review (> 20 acres): \$498 |
| | Biotic Review | Biotic-Report Review: \$1,037 Biotic Assessment: \$1, 265 Biotic Pre-site (w/other Environmental Planning site review): \$ 158 Biotic Pre-site (w/out other Environmental Planning site review): \$ 252 |
| | Environmental Review (CEQA) | Environmental Review (minor/CEQA exemption): \$125 Environmental Review (regular): \$1,098 |
| | Engineering Report Review | At Cost (deposit): \$750 |
| | Soils Reports | Soils Report Review-Regular: \$811 Soils Report Review-Major: \$1,000 |
| | Geology | Geological-Hazard Assessment – Minor: \$1, 139 Geological-Preliminary Report:\$1,221 Geological Report Review: \$1, 190 Geological Hazards Assessment-Major: \$1, 409 Geological-Minor Flood Hazard Assessment:\$339 |
| | Building Permit (Bridge) | The fee associated with a building permit for construction of a bridge is determined by the Building Official using the following value per square foot of the project area: \$23.23 |
| County of Santa Cruz Department of Public Works | Encroachment Permits (for work in the County Right of Way for which the County deems necessary an encroachment permit) | <u>Major Encroachment Permits (typically require engineered plans):</u> Actual Cost-deposit of \$1, 500.00 Includes grading or drainage projects or projects with multiple encroachments |
| | | <u>Regular Encroachment Permits (may require engineered plans):</u> \$450.00 Includes limited shoulder grading or paving, landscaping and irrigation, retaining walls, and service laterals or minor road cuts |
| | | <u>Minor Encroachment Permits (underside drains and minor drainage work):</u> \$300.00 |

⁴ Minor (as applicable to IWRP Projects)= grading less than 100 cubic yards which takes place within a previously developed or disturbed area, tree removal or trimming for the purpose of mitigating hazardous conditions or allowing solar access, drainage structures (e.g. culverts, downdrains, etc., erosion control structures (e.g. retaining walls, riprap, checkdams, etc.), resource management programs carried out under the auspices of a government agency, or other projects of similar nature determined by the Planning Director to cause minimal land disturbance and/or benefit the riparian corridor. It is anticipated that most IWRP projects would be considered “minor”.

| <i>Agency</i> | <i>Permit</i> | <i>Fee</i> |
|---------------|---------------|--|
| | | <u>Utility Trench:</u> 100 ft. or less: \$600.00 100 ft. to 249 ft.: \$800.00 250 ft. to 499 ft.: \$1,100.00 Over 500 ft: Actual Cost-Deposit of \$1, 500.00 |

Appendix D: Guidance on Preparation of Required Reports

Corps of Engineers Wetlands Delineations Manual

<http://www.saj.usace.army.mil/permit/documents/87manual.pdf>

USACE link to Wetlands Publications

<http://www.wes.army.mil/el/wetlands/wlpubs.html>

FishXing: Software and Learning Systems for fish passage through culverts

<http://stream.fs.fed.us/fishxing/pointers.html#design>

Grading Plans for Submittal to the County of Santa Cruz

In order to apply for a Grading Permit from the County of Santa Cruz, the following materials are required:

- Grading plans (four copies) that show in detail all grading work proposed. A list of grading plan requirements is provided below. If grading activities will exceed 2,000 cubic yards of material, the plan must be prepared by a registered civil engineer. Although projects involving less than 2,000 cubic yards are not automatically required to be prepared by an engineer, an engineer's expertise will be extremely helpful and is highly recommended, even for smaller projects. The Planning Department may require engineered plans for smaller projects on problematic sites.
- A completed application form with the property owner's (or his/her authorized agent's) signature. (Note: this is required only for "stand-alone" grading projects.)

Contents of the Grading Plan:

Grading plans must include the following on an 18" x 24" (minimum) blueprint:

- a) Name and address of property owner
- b) Assessor's Parcel Number (APN)
- c) Name and location of existing, adjacent streets
- d) Vicinity map
- e) Intended use or purpose of work
- f) North arrow and scale of drawing
- g) Site plan including entire parcel (APN) with area of proposed grading indicated and enlarged for clarity if necessary
- h) Existing structures, utilities, trees, watercourses, or any other topographical features of interest
- i) Details of proposed structures, including retaining walls
- j) Property lines, setbacks, or building envelopes
- k) Existing and proposed contours. Topographic information must be at a suitable scale to insure clarity. Minimum contour intervals are as follows:

Integrated Watershed Restoration Program (IWRP) for Santa Cruz County
IWRP Design & Permitting Coordination Process Guidelines Manual

| <u>Slope of Existing Ground</u> | <u>Contour Interval</u> |
|-------------------------------------|-----------------------------|
| 0-5% | 1 ft. |
| 5-15% | 5 ft. |
| >15% | 10 ft. |

- l) Volume of proposed grading for both cuts and fills
- m) Cross-sections of cuts, fills, building pads, and driveways (including property lines where appropriate)
- n) Clearly defined "*limits of grading*" activities (disturbed area)
- o) Toe and top of cut and fill slopes
- p) Profiles of proposed driveways and access roads (including gradient and stationing)
- q) Width, radius, and drainage facilities for driveways and access roads
- r) Proposed structural sections (sub-base, base, and pavement) for driveways and access roads (including compaction requirements)
- s) Existing and proposed locations of all septic disposal systems (tanks, leach fields, and expansion areas)
- t) Existing and proposed drainage facilities including culverts and other structures as appropriate
- u) An adequate erosion control plan including appropriate details and specifications
- v) Signature and stamp of civil engineer (if required) or architect

Appendix E: RCD Contract Template

Contact the RCD to establish an official contract.



**Santa Cruz County
Resource Conservation District**

820 Bay Avenue, Suite 128
Capitola, California 95010

Ph: (831) 464-2950
sccrcd@sccrcd.org

PROFESSIONAL SERVICES AGREEMENT

CONTRACT NO: **IWRP – (Component Contractor - #)**

This agreement is entered into this ____ day of ____ by and between the Santa Cruz County Resource Conservation District, hereinafter called the RCD, and ____ hereinafter called the CONTRACTOR. The parties agree as follows:

1. **DUTIES**

The CONTRACTOR agrees to exercise special skill to accomplish the following result: the CONTRACTOR is responsible to _____. The CONTRACTOR is responsible for the above task as described in Attachment 1 – _____. **(Project Work Program)**

2. **COMPENSATION**

- A. In consideration for the CONTRACTOR accomplishing said services, the RCD agrees to pay the CONTRACTOR an amount not to exceed \$_____, including all taxes, licenses and fees in accordance with the budget detail outlined in **Attachment 1** which is made part of this agreement by this reference, for completion of the tasks also shown in **Attachment 1**.
- B. The CONTRACTOR shall submit invoices, upon completion of tasks, for costs incurred during the _____. All receipts, invoices, time sheets and a report of work shall accompany invoices, by task/subtask, completed during the billing period. The RCD shall make payment to the CONTRACTOR upon receipt of payment from the **State Coastal Conservancy**. Payment by the RCD shall be contingent upon completion of work described in **Attachment 1**.
- C. Pursuant to **State Coastal Conservancy conditions, 10% will be withheld (by SCC)** until project completion and approval of final report and/or products as defined in **Attachment 1**. Upon completion of the final report, the RCD shall complete their review and approval with a maximum time period of one hundred and twenty (120) days and then reimburse the 10% withholding as per above.

3. **TERM**

The term of this agreement shall be from ____ to ____, unless terminated in accordance with Paragraph 4. The CONTRACTOR may request reimbursement for work undertaken on the project beginning ____ that is in compliance with the approved work program.

4. **EARLY TERMINATION**

Either party hereto may terminate this agreement at any time by giving seven (7) days written notice to the other party. Any data or work product materials collected prior to termination must be submitted to the RCD upon termination of the contract.

5. **WORK PRODUCT**

All materials and work products, including data collected for compilation of work products identified in **Attachment 1**, produced by the CONTRACTOR as a result of this agreement are the property of the Santa Cruz County Resource Conservation District and the State Coastal Conservancy. Any final products distributed or produced will acknowledge the Santa Cruz County Resource Conservation District and the State Coastal Conservancy

6. **SUBCONTRACTING**

- A. The CONTRACTOR shall not subcontract any portion of the work required by this

Agreement without prior approval of the RCD. The RCD shall retain final approval authority for any and all "Scope of Services" of subcontractors for this project. The CONTRACTOR shall retain responsibility for satisfactory completion of all tasks to be carried out under any subcontract for work under this project.

- B. The CONTRACTOR agrees to include sections 6-11 in all contracts and tier subcontracts directly related to project performance.

7. AUDIT, ACCESS TO RECORDS

- A. The CONTRACTOR and any subcontractors shall maintain books and records pertinent to performances of all work related to this contract in an adequate manner and in accordance with generally accepted accounting principles and practices. The records must be sufficient to assure that contract funds are allocable to allowable costs.

- B. At all reasonable times during the term of this contract and for five (5) years following final payment and closure of all other pending matters, the State Auditor General, the State Board, and the Resources Agency shall have access to the records of the CONTRACTOR and any subcontractors related to work performed under this contract and the CONTRACTOR shall make such records available for audit, examination, excerpts, and transcriptions.

8. NONDISCRIMINATION CLAUSE

- A. During the performance of this contract, The CONTRACTOR and its subcontractors (if applicable) shall not unlawfully discriminate, harass, or allow harassment against any employee or applicant for employment because of race, religion, color, national origin, ancestry, physical disability (including HIV and AIDS), medical condition (cancer related), marital status, age (over 40), gender, sexual preference, or any other non-merit factor unrelated to job duties. Such action shall include, but not be limited to the following: employment, upgrading, demotion, or transfer, recruitment or recruitment advertising, layoff or termination, rates of pay or other forms of compensation and selection for training, including apprenticeship. The CONTRACTOR and subcontractors shall insure that the evaluation and treatment of their employees and applicants for employment are free of such discrimination and harassment. The CONTRACTOR and subcontractors shall comply with the provisions of the Fair Employment and Housing Act (Government Code, Section 12900 et seq.) and the applicable regulations promulgated thereunder (California Administrative Code, Title 2, Section 7285.0 et seq.). The applicable regulations of the Fair Employment and Housing Commission implementing Government Code, Section 12990, set forth in Chapter 5 of Division 4 of Title 2 of the California Code of Regulations are incorporated into this contract by reference and made a part hereof as if set forth in full. CONTRACTOR and its subcontractors shall give written notice of their obligations under this clause to labor organizations with which they have a collective bargaining or other agreement. The CONTRACTOR agrees to post in conspicuous places, available to employees and applicants for employment, notice setting forth the provisions of this non-discrimination clause.

- B. The CONTRACTOR shall include the nondiscrimination and compliance provisions of this clause in all subcontracts to perform work under the contract.

9. INDEMNIFICATION FOR DAMAGES, TAXES, AND CONTRIBUTIONS

The CONTRACTOR shall exonerate, indemnify, defend, and hold harmless the RCD (which for purposes of paragraphs 11 and 12 shall include, without limitation, its officers, agents, employees and volunteers) from and against:

- A. The Consultant shall defend, indemnify, and hold harmless the RCD, its officers, agents, employees, and servants from all damages as a result of this agreement, loses, claims,

suits, or actions of any kind and nature whatsoever, including attorneys' fees brought as a result of damage to property, or injuries or death of any person, including Consultant, arising directly or indirectly, wholly or partially, from the performance of this Agreement, to the extent caused by the negligence, errors, omissions, or willful misconduct of Consultant or employees.

- B. Any and all federal, State, and local taxes, charges, fees, or contributions required to be paid with respect to the CONTRACTOR and the CONTRACTOR'S officers, employees and agents engaged in the performance of this Agreement (including, without limitation, unemployment insurance, social security and payroll tax withholding).

10. INSURANCE

The CONTRACTOR, at its sole cost and expense, for the full term of this Agreement (and any extensions thereof), shall obtain and maintain at minimum all of the following insurance coverage(s) and requirements. Such insurance coverage shall be primary coverage as respects the RCD and any insurance or self-insurance maintained by the RCD shall be excess of the CONTRACTOR'S insurance coverage and shall not contribute to it.

A. Types of Insurance and Minimum Limits

- (1) Worker's Compensation for Contractor's employees.
- (2) Automobile and General Liability Insurance coverage in the minimum amount of \$1,000,000 combined single limit.

11. CONSULTANT CONDUCT

- A. All interactions during the creation of the ____ shall be professional and civil.
- B. Conclusions and recommendations made for the ____ must be substantiated by associated data and literature review.
- C. Conclusions and recommendations made for the ____ will be based on professional judgment and will be limited to consultants accredited in that field of expertise.

12. CONFLICT RESOLUTION

At any time during the ____ process that any consultant has a disagreement with conclusion(s), recommendation(s), and/or the direction of the process, the consultant(s) shall bring those concern(s) to the RCD Contract Manager and the Technical Advisory Committee and/or the Steering Committee for resolution.

13. FINAL APPROVAL

The CONTRACTOR agrees that all reports, manuals, statistics, and any other documentation required under the terms of this Agreement are subject to final approval by the RCD's Board of Directors before project goals and objectives will be considered completed.

14. PARTIAL PERFORMANCE

It is hereby agreed that payments called for under this Agreement are based on performance of the items listed under Paragraph 1 (Duties). In the event all duties are not completed or delivered, the amount due under this Agreement shall be reduced on a pro-rated basis to be determined by the RCD.

15. NONASSIGNMENT OF AGREEMENT

The CONTRACTOR shall not assign or subcontract this Agreement to a third party unless prior written approval is obtained by the RCD. Any assignment without such written consent shall automatically terminate this Agreement.

16. SUBCONTRACTS

The CONTRACTOR agrees to maintain and make available to the RCD copies of all written subcontracts.

17. AMENDMENTS TO THIS AGREEMENT

This agreement may not be amended except as agreed to in writing and signed by the RCD.

No oral understanding or agreement not incorporated in this agreement shall be binding on any of the parties.

18. INDEPENDENT CONTRACTOR STATUS

The CONTRACTOR and the RCD have reviewed and considered the principal test and secondary factors below and agree that the CONTRACTOR is an independent contractor and not an employee of the RCD. The CONTRACTOR is responsible for all insurance (workers compensation, unemployment, etc.) and all payroll related taxes. The CONTRACTOR is not entitled to any employee benefits. The RCD agrees that the CONTRACTOR shall have the right to control the manner and means of accomplishing the result contracted for herein.

PRINCIPAL TEST: The CONTRACTOR rather than the RCD has the right to control the manner and means of accomplishing the result contracted for. SECONDARY FACTORS: (a) The extent of control which, by agreement, the RCD may exercise over the details of the work is slight rather than substantial; (b) The CONTRACTOR is engaged in a distinct occupation or business; (c) In the locality, the work to be done by the CONTRACTOR is usually done by a specialist without supervision, rather than under the direction of an employer; (d) The skill required in the particular occupation is substantial rather than slight; (e) The CONTRACTOR rather than the RCD supplies the instrumentalities, tools and workplace; (f) The length of time for which the CONTRACTOR is engaged is of limited duration rather than indefinite; (g) The method of payment of the CONTRACTOR is by the job rather than by the time; (h) The work is part of a special or permissive activity, program, or project, rather than part of the regular business of the RCD; (i) The CONTRACTOR and the RCD believe they are creating an independent contractor relationship rather than an employer-employee relationship; and (j) The RCD conducts public business. It is recognized that it is not necessary that all secondary factors support creation of an independent contractor relationship, but rather that overall there are significant secondary factors, which indicate that the CONTRACTOR is an independent contractor.

By their signature to this Agreement, each of the undersigned certifies that it is his or her considered judgment that the CONTRACTOR engaged under this Agreement is in fact an independent contractor.

IN WITNESS WHEREOF, the parties hereto have set their hands the day and year first written above.

RESOURCE CONSERVATION DISTRICT

CONTRACTOR

Date

Date

Signature

Signature

Printed Name / Title

Printed Name / Title

Street Address

Street Address

City, State, Zip

City, State Zip