**Finding a Working Strategy and Sticking with It: Utilizing HREA and FRGP to Streamline Permitting for Multiple Projects on Quiota Creek**

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**Synopsis:** Cachuma Operations Maintenance Board (COMB) has implemented 10 fish passage projects on Quiota Creek to provide aquatic organism passage and improve riparian habitat and stream function. These 10 projects replaced problematic road-stream crossings with prefabricated bottomless-arched culvert bridges from 2008-2019. Because the projects were each similar, they were able to utilize a prescribed permitting approach once HREA became available in 2015.

**Species Benefited:** Southern California steelhead (*Oncorhynchus mykiss)* and California Red Legged Frog (*Rana draytonii*).

**Permitting Approach:** COMB has used the Habitat Restoration and Enhancement Act (HREA) for Quiota Creek Crossing projects 3, 4, 5, 8, and 9, and received Fisheries Restoration Grant Program (FRGP) funding for Quiota Creek Crossing projects 0A, 1, 2, 3, 4, 5, 7, 8, and 9. HREA was not in place until 2015, after some of these projects had been implemented. The Quiota creek projects were some of the first to utilize HREA after it became available in 2015.

**Project Details:** The Cachuma Operations maintenance Board (COMB) is responsible for monitoring the southern California steelhead population downstream of Lake Cachuma, monitoring water quality conditions in the lower river and its tributaries and implementing stream and fish habitat restoration projects as outlined by the 2000 Cachuma Project Biological Opinion (BO). 23 restoration projects have been implemented to date, 10 of them addressing problematic road-stream crossings along Quiota Creek. This case study will elaborate on the details of the Quiota Creek projects, focusing on the permitting experience to bring the process to completion.

**Project Partners:** Designs were all completed by HDR Fisheries Design Center.

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| Name | Date | Treatment | Pathways Used | Funding |
| Crossing 6 | 2008 | 48-foot prefabricated Contech bottomless-arched culvert bridge |  | Funding: $371,000 California Coastal Conservancy; $506,627 Cachuma Project Member Agencies |
| Crossing 2 | 2011 | 60-foot prefabricated Contech bottomless-arched culvert bridge | FRGP | $700,528 CDFW-FRGP; $117,654 Cachuma Project Member Agencies |
| Crossing 7 | 2012 | 60-foot prefabricated Contech bottomless-arched culvert bridge | FRGP | $400,108 CDFW-FRGP; $357,018 WCB; $137,975 Cachuma Project Member Agencies |
| Crossing 1 | 2013 | 60-foot prefabricated Contech bottomless-arched culvert bridge | FRGP | $521,141 CDFW-FRGP; $150,000 WCB; $228,681 Cachuma Project Member Agencies |
| Crossing 3 | 2015 | 53-foot prefabricated Contech bottomless-arched culvert bridge | HREA, FRGP | $705,205 CDFW-FRGP; $219,863 Cachuma Project Member Agencies |
| Crossing 0A | 2015 | 55-foot prefabricated Contech bottomless-arched culvert bridge | FRGP | $604,637 CDFW-FRGP; $50,000 Landowner; $133,801 Cachuma Project Member Agencies |
| Crossing 4 | 2016 | 54-foot prefabricated Contech bottomless-arched culvert bridge | HREA, FRGP | $937,838 CDFW-FRGP; $181,034 Cachuma Project Member Agencies |
| Crossing 5 | 2018 | 59-foot prefabricated Contech bottomless-arched culvert bridge | HREA, FRGP | $893,287 CDFW-FRGP; $234,450 Cachuma Project Member Agencies |
| Crossing 9 | 2019 | 60-foot prefabricated Contech bottomless-arched culvert bridge | HREA, FRGP | $993,121 CDFW-FRGP; $217,852 Cachuma Project Member Agencies |
| Crossing 8 | 2020 | 54-foot prefabricated Contech bottomless-arched culvert bridge | HREA, FRGP | $1,010,700 CDFW-FRGP; $174,129 Cachuma Project Member Agencies |

**Permits Required**

The permits required by any restoration project depend on the nature of the project, its size, likely impacts, species present in the area, and the location. Each Quiota creek project was slightly different. In completing the projects COMB had to secure the following permits for at least one or more projects:

Secured through FRGP Secured through HREA (if 404 met) Secured independently through standard channels

* What permits were required?

**Permitting Pathways Used:**

**CDFW Fisheries Restoration Grant Program (FRGP)**

FRGP funds a wide range of projects that focus on, or lead to, restoring, enhancing, or protecting salmonid habitat in anadromous watersheds of California. For information on projects funded in previous years, please visit the [FRGP Funded Project Summaries](https://wildlife.ca.gov/Grants/FRGP/Funded) page.

Uniquely, FRGP provides the following coverage for all eligible funded projects:

* Clean Water Act (CWA) Section 401 certification,
* California Environmental Quality Act (CEQA) compliance
* State Water Resources Control Board, and CWA Section 404, Army Corps of Engineers permit
* California Coastal Commission, Master Coastal Development Permit

See more about FRGP Permitting nexus at [Accelerating Restoration- FRGP](https://acceleratingrestoration.org/permits/fisheries-restoration-grant-program/)

**CDFW Habitat Restoration and Enhancement Act (HREA)**

AB 2193, also known as the Habitat Restoration and Enhancement Act (HREA) provides a faster (30 or 60-day approval) and simpler process with one single approval from CDFW in lieu of getting a separate Section 1600 [Lake and Streambed Alteration Agreement (LSAA)](https://wildlife.ca.gov/Conservation/LSA) and/or [California Endangered Species Act (CESA)](https://wildlife.ca.gov/Conservation/CESA)authorization, for small-scale (not exceeding a maximum project size of 5 acres or a cumulative 500 linear feet), voluntary habitat restoration projects throughout California. Restoration and enhancement projects approved by CDFW, pursuant to HREA, do not require additional permits from CDFW.

* HREA process can be especially helpful for those qualifying projects that would otherwise need *both* an LSAA and CESA permit from CDFW.
* Projects that receive funding through the [Fisheries Restoration Grant Program](https://acceleratingrestoration.org/permits/fisheries-restoration-grant-program/) can also apply to use the HREA.

There are two pathways available under HREA, depending on the project ability to meet the eligibility requirements for the [State Water Resources Control Board’s Order for Clean Water Act Section 401 General Water Quality Certification for Small Habitat Restoration Projects (PDF)](https://www.waterboards.ca.gov/water_issues/programs/cwa401/docs/generalorders/shrpcert032713.pdf) (401 SHRP certification), which includes not exceeding a maximum project size of 5 acres or a cumulative 500 linear feet.

Section 1652 - This pathway is appropriate for projects that **have not** received 401 SHRP certification. CDFW has 60 days to determine if a 1652 request is complete and eligible for coverage under the HREA.

Section 1653 - This pathway is appropriate for projects that **have** received 401 SHRP certification. CDFW has 30 days to determine if a 1653 request is complete and eligible for coverage under the HREA.

**The Permitting Experience**

**As new pathways develop, they become easier to use**

Quiota creek projects were some of the first to utilize the HREA pathway. Recognizing the potential for the pathway to simplify permitting for the Quiota Creek projects, CDFW recommended COMB utilize the HREA for any eligible crossings. COMB established a relationship early with the CDFW staff administering the program. Project proponents should reach out to agency staff and ask for recommendations on how their project may be able to utilize any options for simplified permitting.

**Agency capacity plays a role in approval turnaround time**

Agency capacity can play a role in how quickly and smoothly permitting review and turnaround may be for your project. For COMB, having dedicated staff at USACE who reviewed multiple 404 permits for some of the Quiota creek projects and had familiarity with the suite of projects allowed for quick turnaround times for some 404 permits. Agency capacity may not make this possible. For other Quiota creek projects, 404 applications went into a general mailbox, and turnaround time was longer as staff had no prior familiarity with the projects or COMB. Project practitioners may find it worthwhile to ask about the process for how the applications are reviewed and adjust expectations accordingly.

**Simplified permitting pathways save time and money, even for experienced practitioners**

For COMB, utilizing HREA 1653 allowed necessary permits for an individual crossing to be secured in a month. For projects executed before HREA, this process would take several months. CDFW is required to provide a determination on HREA approval requests within 30 or 60 days depending on the approval pathway. Additionally, Fees for an HREA approval request are much smaller than fees for a CESA ITP, which can save a lot of money.

**Keep in mind the eligibility requirements**

In order to utilize HREA, projects must meet the [State Water Board General Order for Small Habitat Restoration Projects](https://acceleratingrestoration.org/permits/amended-general-water-quality-certification-for-small-habitat-restoration-projects-shrp/), which includes not exceeding a maximum project size of 5 acres or a cumulative 500 linear feet. One of the first crossings to be implemented and permitted after the HREA pathway became available was Crossing 0A, in 2015. The project involved modifying the streambank in some places and replacing the low flow crossing. Though the added impact area was less than 500 linear feet, the cumulative project area was 550 feet, beyond the eligible amount for HREA. Crossing 0A utilized FRGP to secure permits but was not able to utilize HREA. Focus or repair projects may be able to be counted as an additive impact area and not cumulative distance, and practitioners interested in this options should contact their CDFW permitting contact.

**Consider contractual conditions such as maintenance, durability and access in seeking funding**

Some permits and funding sources include conditions for the term length of monitoring and maintenance of the project. While monitoring and maintenance of projects is essential for assessing durability and effectiveness of restoration projects, restoration practitioners should examine these contact conditions and build the long-term costs of them into the planning for your projects.

Especially since it can be difficult to fund repair-only projects, building in maintenance costs into project plans is a major topic of consideration in the fish passage and engineering world.

**Even with a cookie cutter approach, waiting until you have all the details makes permit writing quicker.**

Even with similar projects, minor uncertainties can change details within your permitting applications. COMB utilized a pre-drafting approach to fill in major project information, and submitted individual project permits once the project was developed enough to confidently draft a permit application.

**More Information**

Quiota Creek Story Map: <https://storymaps.arcgis.com/stories/e3d3ba48c8744beb99e9cb23f3236c9f>

Sustainable Conservation Permitting Synopsis: <https://acceleratingrestoration.org/find-permits/all-pathways/>

HREA: <https://wildlife.ca.gov/Conservation/Environmental-Review/HREA>

FRGP: <https://wildlife.ca.gov/Grants/FRGP>