CALIFORNIA FISH PASSAGE FORUM

Streamlined Permitting
Case Study 2026-03
March 2026

When Implementation Goes Well and the Stream has a Different Plan: Permitting for Phase 1 and Phase 2

Project Permitting Case Study

Project Summary

The Foster Park Fish Passage Project, led by the City of Ventura, was initiated to address a long-standing fish passage impediment in the Ventura River within designated critical habitat for the Southern California Steelhead Distinct Population Segment. An early-1900s subterranean diversion dam—originally part of the City's drinking-water infrastructure—had become exposed due to river scour, creating a barrier to Southern California Steelhead and other native species at low to moderate streamflow.

The project involved designing and constructing a fish-passage notch in the exposed portion of the dam. The design also incorporated a low-flow interior notch to support volitional passage for all species, and notch edges were rounded to allow passage of Pacific Lamprey. Approximately two years following successful notch construction, major storm events delivered an estimated 6,000 cubic yards of cobble, boulders, and debris that completely buried the notch. This unanticipated event triggered a second phase of work to restore the notch: excavating the accumulated material to re-establish fish passage function and beneficially reusing it within the river. Some of the original project permits included ongoing adaptive management requirements and impact allowances, but the amount of sediment deposited exceeded the scope of ongoing work initially anticipated, and other original project permits did not cover ongoing maintenance. Thus, the second phase required a new suite of permits and highlighted the need for long-term and built in adaptive management regulatory pathways for restoration projects.

This project won 2022 Project of the Year Award from The American Public Works Association.

Sustainable Conservation

CALIFORNIA DEPARTMENT OF FISH & WILDLIFE

Cutting the Green Tape

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Species Benefitted

- Southern California Steelhead *(Oncorhynchus mykiss)*
- California Red Legged Frog *(Rana draytonii)*
- Pacific Lamprey *(Entosphenus tridentatus)*

Project at-a-Glance

Title: Foster Park Fish Passage Project
Applicant: City of Ventura
Partners: Rincon Consultants, Inc.
Project Funding Provided By: City of Ventura
Groups Conducting Monitoring: City of Ventura
Project Location: Ventura River at Foster Park, Ventura County, CA

(Right) The Notch cut in the diversion dam. (Below) The Notch covered by the 2024 Ventura River flood .

Find tools and resources for restoration project permitting at Accelerating Restoration, the resource website maintained by Sustainable Conservation.

Table 1: Project Details

Name	Date	Treatment	Pathways Used	Funding
Notch Construction	2022	Notch constructed on exposed diversion dam	CEQA Categorical exemption 15333 SHRP HREA/1653 Authorization RMP—USACE Nationwide 27 NMFS BO USFWS PBO	Funding: $303,000 construction; $148,000 design, permitting and environmental monitoring – City of Ventura
Notch Restoration	2025	Post-storm debris and streambed material removal from notch, and sediment reuse within the river	CatEx 15301 SRGO RMP - 2025 USACE Nationwide 27 NMFS PBO USFWS Statewide PBO	$335,000 construction; $115,000 design, permitting (including long term permits) and environmental monitoring – City of Ventura

Permitting Approach

The City of Ventura partnered with Rincon Consultants, Inc. to complete two different permitting processes, one for the notch construction, and one for the post storm restoration and sediment reuse.

Notch Construction

The first permitting cycle addressed the construction of the notch to improve fish passage and used the following authorizations.

State Permits and CEQA Compliance:

- CEQA Categorical Exception 15333 – Small Habitat Restoration Projects
- Water Board Order - Clean Water Act Section 401 General Water Quality Certification for Small Habitat Restoration Projects
- CDFW Habitat Restoration and Enhancement Act (HREA)
- CDFW Restoration Management Permit (RMP) for CESA candidate status of Southern California Steelhead

Federal Permits:

- USACE Nationwide Permit 27 (Aquatic Habitat Restoration, Enhancement and Establishment Activities)
- NOAA/NMFS individual project Biological Opinion (BO) for Southern California Steelhead
- USFWS Programmatic Biological Opinion (PBO) for California Red-Legged Frog

Post-Storm Restoration and Sediment Reuse

The second permitting cycle required new or expanded approvals to address excavation of the buried notch and beneficial reuse of sediment within the river.

State Permits:

- State Water Board - Statewide Restoration General Order (SRGO) – (The original SHRP didn't cover notch maintenance.)
- CDFW Restoration Management Permit (RMP - 2025 newly legislated version)

Federal Permits:

- USACE Nationwide Permit 27 (reapplied due to federal renewal cycles)
- NOAA/NMFS South Coast Programmatic Biological Opinion (PBO) - For placement of material within Steelhead critical

Permitting Pathways Used

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. The City of Ventura and Rincon Consultants, Inc. were able to utilize a combination of streamlined permitting pathways and a newly expanded Restoration Management Permit (RMP) to implement, and then unexpectedly restore, this project.

California Environmental Quality Act (CEQA) Categorical Exemption 15333 – Small Habitat Restoration Projects (CatEx 15333)

Projects up to 5 acres in size that "assure the maintenance, restoration, enhancement, or protection of habitat for fish, plants, or wildlife" can be exempted from the CEQA through CatEx 15333. The CEQA lead agency must file a Notice of Exemption (NOE) including a brief project description; the location of a project; a finding that the project is exempt from CEQA, including a citation to the appropriate exemption (e.g., CatEx 15333); and a brief statement of the reasons to support the finding that the project is exempt.

Below are some resources to help you determine if your project is eligible for CatEx 15333 and what the exemption process entails:

- California Governor's Office of Planning and Research CEQA 101
- Sustainable Conservation CEQA Web Page
- Sustainable Conservation CEQA CatEx 15333 Web Page

State Water Resources Control Board (Water Board) - Clean Water Act Section 401 General Water Quality Certification for Small Habitat Restoration Projects (SHRP)

Eligibility for SHRP requires projects to be eligible for CatEx 15333 (although other CEQA analyses may be used), and to not exceed a maximum project size of 5 acres or a cumulative amount of disturbance of more than 500 linear feet of stream bank. Projects must be voluntary (not mitigation), and the construction period cannot exceed five years. Project proponents notify the Water Board of their CEQA exempt project by filing a Notice of Intent (NOI) (i.e., application) and Monitoring Plan (required) at least 60 days prior to the proposed discharge if the project is enrolled under the SHRP. The applicant will receive a Notice of Applicability (NOA), indicating that project activities are authorized under this Order. Following receipt of the NOA, the applicant may submit the 1653 Request Checklist including a copy of the NOA to CDFW to apply for Habitat Restoration and Enhancement Act (HREA) authorization instead of a standard lake and streambed alteration agreement.

Here are some resources to help you understand the SHRP process:

- Water Board Amended Order for Clean Water Act Section 401 SHRP
- Sustainable Conservation SHRP Web Page

Water Board Statewide Restoration General Order (SRGO)

Projects may use SRGO to obtain "waste discharge requirements" (under Porter Cologne) and Clean Water Act section 401 water quality certification if they don't meet the small project footprint requirements (5 acres/500 linear feet) or other eligibility requirements for SHRP. Various types of restoration projects including fish passage, floodplain reconnection, sediment management, and riparian restoration, including mitigation projects, can use SRGO. A variety of CEQA compliance pathways can be used along with the SRGO, including the Programmatic EIR for State Water Resources Control Board Restoration Projects Statewide Order (SRGO PEIR) and the CEQA Statutory Exemption for Restoration Projects (SERP).

Here are some resources to help you understand if SRGO is the correct pathway for your project:

- Sustainable Conservation SRGO Web Page
- Sustainable Conservation SRGO PIER Web Page
- CDFW SERP Web Page
- Sustainable Conservation SERP Web Page

(Above) Fish surveys within the Ventura river.

CDFW Habitat Restoration and Enhancement Act (HREA)

For small-scale habitat restoration projects throughout California, the HREA provides a faster and simpler process with one single approval from CDFW. Like the SHRP, eligible projects must not exceed a maximum project size of 5 acres or a cumulative disturbance of more than 500 linear feet, must be voluntary, and be eligible for CEQA CatEx 15333, but other CEQA pathways may be used. The HREA process can be especially helpful for those qualifying projects that would otherwise need *both* a Section 1600 Lake and Streambed Alteration Agreement (LSAA) and California Endangered Species Act (CESA) authorization. However, projects that require authorization for take of fully protected species should consider instead applying for CDFW's Restoration Management Permit. A map and list of projects that have used HREA can be found on CDFW's website.

There are two pathways available under HREA. Most projects use Section 1653. This project used the 1652 pathway:

* Section 1652 - This pathway is appropriate for projects that **have not** received 401 SHRP certification from the Water Board. 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.

Here are some resources to help you understand if the HREA permitting pathway is the correct one for your project:

- CDFW HREA Web Page
- Sustainable Conservation HREA Web Page
- Sustainable Conservation Video Series on HREA Eligibility and Processes

CDFW Restoration Management Permit (RMP)

The Restoration Management Permit (RMP) is CDFW's most comprehensive permitting tool for restoration projects. The new RMP was created when Governor Newsom signed the Restoration Management Permit Act (Assembly Bill 1581) on September 27, 2024, and the law went into effect on January 1, 2025. The new RMP consolidates five of the most common CDFW authorizations typically needed for restoration projects into a single, streamlined approval that can provide take of CESA threatened, endangered, or candidate species, rare plants, and fully protected species, as well as authorization for impacts to rivers, lakes, and streams that would otherwise require a Lake or Streambed Alteration (LSA). By allowing multiple authorizations under one permit, it is intended to speed up review and approval timelines for qualifying restoration projects.

Here are some resources to help you understand if the RMP permitting pathway is the correct one for your project:

- CDFW RMP Web Page
- Sustainable Conservation RMP Web Page

Notch at Foster park during low flow conditions

Federal Permitting Pathways

U.S. Army Corps of Engineers (USACE) Nationwide Permit 27 (Aquatic Habitat Restoration, Enhancement, and Establishment Activities)

The USACE Nationwide Permit 27 is a programmatic permit that covers activities associated with the restoration, enhancement, and establishment of aquatic habitats and is a more efficient way of obtaining Section 10 and 404 permits.

NOAA Fisheries/National Marine Fisheries Service (NMFS) and U.S. Fish and Wildlife Service (USFWS) Programmatic Biological Opinions

A Programmatic Biological Opinion (PBO) is a pre-approved, broad-scale ESA consultation that covers multiple similar restoration actions across a region or statewide. The project relied on USFWS and NMFS PBOs. Both agencies were updating their PBOs during the project, creating uncertainty, but updates were completed in time. The species covered by the USFWS PBO for this project are: California Red-Legged Frog, California Tiger Salamander - Central California Distinct Population Segment (DPS), Foothill Yellow–Legged Frog - Central Coast DPS, Alameda Whipsnake, and Northwestern Pond Turtle.

Here are some resources to help you understand the federal permitting process and the PBOs this project used:

- Sustainable Conservation USACE Nationwide 27 Web Page
- Central Coast NMFS Programmatic Biological Opinion (PBO)
- NOAA Fisheries ESA Consultations Web Page
- USFWS Statewide Restoration Programmatic Biological Opinion (PBO)USFWS ESA Consultations Web Page

The Permitting Experience

Dynamic River Systems Require Flexibility and Long-Term Permitting

The burial of the notch just one year after construction was unexpected and necessitated another round of time-consuming permitting. As Sarah noted, “the initial permitting is so focused on getting the project done, when a lot of the cost may come decades down the road.” The team strongly preferred to reuse excavated gravel, cobble and boulders within the river rather than haul them off-site to keep high-quality sediment within the river system. For placement of material within Steelhead critical habitat, they had to obtain a NMFS PBO even though the previous BO for Steelhead covered maintenance activities, including removal of the material. This underscores the need for many projects to obtain multi-year and adaptable permitting for future maintenance which almost always comes up. Watch out for required fees when a permit is open for an extended length of time however, especially when there is no active construction and/or the site is functioning as intended.

Tip: Incorporate long-term maintenance into the initial permitting strategy to avoid delays and extra costs later. When possible, pursue multi‑year or programmatic permits that allow recurring maintenance without reopening the full permitting process.

Approximately two years following successful notch construction, major storm events delivered an estimated 6,000 cubic yards of cobble, boulders, and debris that completely buried the notch.

Construction May be Fast, but Permitting Rarely is

The notch was built in three weeks, but permitting took nearly two years for the initial construction project and almost a year for the post-storm restoration. Even with streamlined permitting pathways meant to speed up the process, they described the experience as a "huge learning lesson." Permits such as the new CDFW RMP were relatively fast but even that needed regular communication with CDFW to keep it moving. The notch restoration permits were even more complicated. The small footprint of the original project expanded in the restoration due to the large amount of sediment that was to be removed and then relocated within the river. The original SHRP wouldn't cover the notch restoration because it did not include future maintenance of the notch. The restoration work exceeded the 500 linear feet limit, so they had to get coverage under SRGO which is more complicated, expensive and time consuming due to increased consultations and complex eligibility confirmation. A win came in the form of a statewide USFWS PBO, which had coverage for multiple species including California Red-Legged Frog, and the Western Pond Turtle if it became listed during project implementation.

Tip: Expect the unexpected and set realistic expectations with project partners and funders about permitting timelines.

Streamlined Restoration Permits are Powerful Tools – And are Still Evolving

The project benefited from both the early and expanded versions of CDFW's Restoration Management Permits (RMPs). The Habitat Restoration Enhancement Act (HREA) and RMPs are not typically used together; however, the listing of Southern California Steelhead as a candidate species occurred just months before construction, requiring rapid coordination with CDFW. As Sarah explained, "we already had the HREA approval when Steelhead became a candidate, but then we needed state take coverage." CDFW issued an RMP in 2022 to bridge this gap. The newly expanded RMP enacted in 2025, which they obtained for the notch restoration, also proved to be efficient and valuable. They received approval in approximately three months, which the team described as "amazing." The permit issued for the project is valid for 15 years, it currently has no fees, and it required a very simple application. The updated version of the RMP integrated take authorization and LSA coverage, which was particularly effective for the notch restoration. However, the team noted that when they first attempted to apply, CDFW advised them to wait because internal procedures were still being finalized for this new process.

Tip: Don't be afraid to use the newest permitting tools but engage agency staff early to understand how implementation is unfolding in real time.

Cutting the Green Tape – CDFW's Initiative for Streamlining Permitting Even More!

The initiative streamlines permitting processes and implements key state pathways including the SERP, RMP, CD, and helps administer HREA—and provides coordinated support through CDFW's Cutting Green Tape Strike Team. By reducing duplicative review, aligning agency processes, and offering tools tailored to environmentally beneficial projects, Cutting the Green Tape helps practitioners navigate permitting more efficiently. Its streamlined pathways also support multi-year, repeatable actions, allowing practitioners to respond to dynamic conditions and deliver restoration outcomes more effectively while maintaining strong environmental protections.

Tip: Get to know the Strike Team and make use of Cutting the Green Tape initiative! It translates into real benefits: shorter timelines, clearer expectations, and more resilient habitat restoration outcomes.

(Above) Rincon consultants crew at the project site. (Below) The 2024 flood covering the notch project.

More Permitting Resources

Sustainable Conservation Web Page of Pathways Listed by Agency or Authority

Sustainable Conservation Essential Guide for Accelerated Restoration Permitting

Habitat Project Example – Arroyo Grande Creek Stream Gauge Modification

Sustainable Conservation USACE Nationwide Permit 27 Web Page

Sustainable Conservation

Sustainable Conservation advances the collaborative stewardship of California's land, air, and water for the benefit of nature and people.

Sustainable Conservation developed Accelerating Restoration, a website designed to help restoration project proponents in California find and understand how to use efficient permitting pathways for their aquatic and riparian habitat restoration projects.

- Permitting pathways by agency
- Alphabetical list of all accelerated pathways
- Examples of projects that used accelerated permits

The California Fish Passage Forum

The California Fish Passage Forum is a collaborative partnership formed among federal and state agencies, and non-profits to protect and revitalize anadromous fish populations in California by promoting collaboration among public and private sectors for fish passage improvement projects and programs.

The Forum supports anadromous fish populations by directly funding barrier removals, habitat enhancements, fish passage assessment, monitoring and research projects , facilitating collaboration between agencies and restoration nonprofits, and guiding the development and support of science and data products related to fish passage restoration, such as the California Passage Assessment Database (PAD). Learn more about the Forum at cafishpassageforum.org

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This case study was produced by the California Fish Passage Forum in partnership with Sustainable Conservation.

NFHP by the Numbers

The NFHP Projects and accomplishments dashboard records the impact of the NFHP program and 20 FHPs since 2006. As of 2026, those are:

- 1,744 projects supported
- $71,223,384 in direct funding
- $351,492,841 in additional leveraged funds
- 12,127 habitat enhancements
- 12,018 river miles conserved
- 126,207 acers conserved
- 3,434 science products produced

The National Fish Habitat Partnership

The California Fish Passage Forum is one of 20 Fish Habitat partnerships recognized under the National Fish Habitat Partnership. The mission of the National Fish Habitat Partnership is to protect, restore, and enhance the nation's fish and aquatic communities through partnerships that foster fish habitat conservation and improve the quality of life for the American people. NFHP supports the work of the diverse network of fish habitat partnerships, and produces independent data products to assess the state of Americas freshwater and marine fish populations and habitats through the National Assessment.

Fish Habitat Partnerships operating on the Pacific coast include the California Fish Passage Forum, Pacific Lamprey Conservation Initiative (PLCI), the Pacific Marine and Estuarine Partnership (PMEP), and the Western Native Trout Initiative (WNTI). Learn more at www.fishhabitat.org

20 YEARS | NATIONAL FISH HABITAT PARTNERSHIP

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