



Using the Small Project Bundle Habitat Restoration Permits for 3 Fish Passage Projects in Northern California

Project Permitting Case Study

Project Summary

Trout Unlimited (TU) has worked with partners to implement countless restoration projects nationwide. Connectivity and fish passage are being improved in dozens of watersheds across California as part of their Priority Waters conservation program. Three fish passage projects implemented by TU between 2019 and 2022 replaced or improved problematic road and railroad stream crossings and opened up miles of valuable fish habitat. This case study will elaborate on the details of those projects, focusing on a shared permitting experience and the trust relationship between project implementers and permitting agencies.

Project at-a-Glance

Projects: 1) Upper Noyo River; 2) No Name Gulch/M-1; 3) Strawberry Creek at Clam Beach

Applicant: Trout Unlimited (TU)

Partners: Wildlife Conservation Board (WCB), CDFW, USFWS, NOAA, Water Board, US Army Corps of Engineers, California Department of Parks and Recreation, CalTrans

Projects Funding Provided By: WCB, TU, NOAA, Mendocino Railway, Forum/NFHP/USFWS, California Department of Parks and Recreation

Groups Conducting Monitoring: 1) Trout Unlimited; 2) Michael Love and Associates; 3) Ross Taylor and Associates

Project Location: Mendocino and Humboldt Counties, CA

Species Benefitted

Coho (*Oncorhynchus kisutch*) and Chinook (*Oncorhynchus tshawytscha*) Salmon, Steelhead (*Oncorhynchus mykiss*) and Coastal Cutthroat (*Oncorhynchus clarkii clarkii*) Trout, Western Brook (*Occidentis ayresii*) and Pacific Lamprey (*Entosphenus tridentatus*), and Three-spined Stickleback (*Gasterosteus aculeatus*).



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Permitting Approach

All three projects used the same “Small Project Bundle” (Sustainable Conservation) of state permitting pathways: 1) CEQA Categorical Exemption 15333 – Small Habitat Restoration Projects; 2) Water Board Order - Clean Water Act Section 401 General Water Quality Certification for Small Habitat Restoration Projects (SHRP); 3) Habitat Restoration and Enhancement Act (HREA); and the following federal pathways 4) USACE Nationwide Permit 27 (Aquatic Habitat Restoration, Enhancement and Establishment Activities); and 5) NMFS Programmatic Biological Opinion (PBO).

Table 1: Project Details – For more information see the California Fish Passage Forum project links: [Upper Noyo River](#), [No Name Gulch/M-1](#), [Strawberry Creek at Clam Beach](#)

Name	Partners	Date	Treatment	Pathways Used	Funding
Upper Noyo River	Wildlife Conservation Board, NOAA Restoration Center, CA Fish Passage Forum, Mendocino Railway, The Mendocino Land Trust	2020	50-foot arch culvert with MSE wall plus 350-foot engineered stream channel	CEQA Categorical exemption 15333 SHRP HREA/1653 Authorization USACE Nationwide 27 NMFS PBO	\$2,553,089 WCB, \$394,483 TU, \$165,663 NOAA, \$421,645 Mendocino Railway, \$14,992 California Fish Passage Forum (NFHP/USFWS)
No Name Gulch/M-1	CA Dept of Parks and Recreation - Sonoma Mendocino Parks District, NOAA Restoration Center, CA Fish Passage Forum	2020	8-foot culvert replacement	CEQA Categorical exemption 15333 SHRP HREA/1653 Authorization USACE Nationwide 27 NMFS PBO	\$80,700 California Fish Passage Forum (NFHP/USFWS); NOAA Restoration Center \$23,381; CA Dept. Of Parks and Recreation \$5,348
Strawberry Creek at Clam Beach	USFWS, Humboldt County, CalTrans, and the CA Fish Passage Forum	2022	13 cast-in-place angled concrete baffles installed in 185-foot trapezoidal concrete channel	CEQA Categorical exemption 15333 SHRP HREA/1653 Authorization USACE Nationwide 27 NMFS PBO	\$31,055 California Fish Passage Forum (NFHP/USFWS); \$187,891 USFWS



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. Each TU project was slightly different but could take advantage of the “Small Project Bundle” of state permitting pathways and used the same federal pathways for each project.

Small Project Bundle

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)

The next pathway in the Small Project Bundle is the 401 water quality certification through the 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 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](#)

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:

- * 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 website](#)
- [Sustainable Conservation HREA web page](#)
- [Sustainable Conservation Video Series on HREA eligibility and processes](#)

Federal Permitting Pathways

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

Another step in the permitting process is securing necessary federal permits. 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) Programmatic Biological Opinions

A Programmatic Biological Opinion (PBO) is a preapproved, broadscale ESA consultation that covers multiple similar restoration actions across a region or statewide. The project relied on a NOAA/NMFS PBO.

Here are some resources to help you understand the federal permitting process:

- [USACE Nationwide 27 Permit \(2017 version\)](#)
- [Nationwide Permits](#)
- [Sustainable Conservation USACE Nationwide 27 Web Page](#)
- [NOAA Fisheries ESA Consultations Web Page](#)

(Below, left) The newly poured concrete baffles on the Strawberry Creek fish passage project. (Right) the rewatered channel flowing over the newly poured baffles after restoration in 2023.

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





The Permitting Experience

Having Good Relationships with Permitting Agencies Makes All the Difference

“It was challenging but we got all permits in place in 60 days!” Anna Halligan from TU exclaimed about the Upper Noyo River project.

This was particularly difficult to get going because it had a firm start date of June 15th and spotted owl surveys were required which could take several months. TU did pre-consultations with the permitting agencies and submitted their permit applications *while* owl surveys were occurring. The potential outcomes (owls/no owls) were outlined in the application. If no owls were present, they could start June 15th. If owls were present, they would follow the agency recommended avoidance and minimization protection measures.

Conducting required surveys while a permit application is under review isn't the standard process, but it's also not entirely unique. TU can do it successfully because they have strong, trust-based relationships with permitting agencies, submit clear applications that outline all species protection measures and best management practices, and consistently

demonstrate transparency and adherence to requirements. TU has pre-consultation meetings with permitters for every project, so everybody is on the same page and can hit the ground running.

Tip: Demonstrate to permitting agencies that you understand the required protective measures and have a strong track record of implementing them. When agencies trust your expertise and follow through, they're far more likely to keep your permits moving efficiently.



Timing Application Steps: The Key to Utilizing Simplified Permitting Pathways

TU has honed their permit application process which has enabled them to do a lot of restoration work quickly. Here is an outline of their steps and tips:

1. Prepare all permit applications at once.
2. Submit Notice of Intent to Water Board for 401 SHRP certification which starts a 30-day review window. They will return a Notice of Applicability.
3. Submit the USACE permit on the same day. They have a 30-day consultation period with the State Historic Preservation Office.
4. Submit NMFS Programmatic Biological Opinion application (which will vary by project) on the same day. This can expedite the USACE Nationwide 27 review.
5. Submit the 1653 Checklist with the Notice of Applicability from Water Board and send to CDFW which starts the 2nd 30-day window for HREA.

Tip: When filling out permit applications, refer to the standard permit conditions and protection measures associated with a project with a similar scope. Biological Opinions state all best management practices for fishery resources, so include them as is. It is easier for the permitting agencies to see the language they are familiar with. Frontload application with all the information they need instead of going back and forth later.



Question Roadblocks That May Not Apply to Your Project

The Strawberry Creek project ran into an issue during environmental compliance that turned out to be a win for the project. The current standard for concrete curing is 30 days because of pH concerns. The work cited for the 30-day rule was an overview of the chemical processes that occur when water comes into contact with lime. In the absence of other more applicable science, this standard has been in place since the 1990s. TU was uncomfortable with the time frame because of the dewatering cost, significant environmental impact and storm concerns. Drawing from various state Departments of Transportation studies, they developed a robust monitoring plan including test releases of water and frequent pH testing. After 48 hours of curing time, small amounts of stream flow were allowed into the constructed fishway, but were not allowed to exit the site downstream. The water sat in contact with the concrete for at least 2 hours and water quality monitoring began where pH was tested every hour for three hours. This allowed the streamflow diversion system to be removed after 3 days of testing the pH.

Restoration practitioners hadn't been successful in challenging the 30-day standard until now.

Tip: Ask questions and do your research on potentially outdated rules and standards that don't benefit your projects or the environment.

Permitting Fees: Always Required But There Are Ways to Keep Them In Check

Annual permit fees differ depending on the project. The typical range is \$500-600/year.

- The cost of botanical and cultural surveys can vary. Ask during pre-consultation meetings.
- The 401 fee schedule is regulated by the Water Board and is a flat application and annual fee regardless of project size for Ecological Restoration and Enhancement Projects (EREP), as defined in the [State Wetland Definition and Procedures for Discharges of Dredged or Fill Materials to Waters of the State](#), adopted by the State Water Board on April 2, 2019.
- HREA fees follow the Lake and Streambed Alteration Fee Schedule, which is regulated by CDFW and is based on project costs. Every year they release a new fee schedule. Plan for up to 5% per year increases to the fee schedule . They also incur an online processing fee of 3-5%.
- Additional permits are sometimes needed, like Caltrans Encroachment Permit, Coastal Development Permit and various county permits depending on project location. Plan for these additional fees.
- Some permit fees are waived through interagency agreements. For example, TU applied on behalf of the USFWS for the CalTrans Encroachment Permit, on Strawberry Creek and the fee was waived, reducing the overall project cost. Bonus for being a good partner!

Tip: It is easier and more cost-effective to start with a longer permit period than amending it. Payment stops if you close the permit early. Keep permits open for at least two years to allow for project changes if necessary. Plan for one year of implementation and up to two years of adaptive management.

(Below) Strawberry Creek , a small coastal drainage located near McKinleyville, CA., before fish passage restoration.



More Permitting Resources

[*Sustainable Conservation Webpage of Pathways Listed by Agency or Authority*](#)

[*Sustainable Conservation ESSENTIAL GUIDE for Accelerated Restoration Permitting*](#)

[*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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**Cutting the
Green Tape**

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 acres 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 America's 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



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