



BRCP and Army Corp of Engineers Section 404 Permitting Process

BCAG and the Permittees have been working to develop a separate streamlined permitting process for Section 404 permits issued by U.S. Army Corp of Engineers (Corp) that will be integrated into the BRCP. This permitting process is separate from the “incidental take permits” provided through the BRCP by U.S. Fish and Wildlife Service (USFWS), National Marine Fisheries Service (NMFS) and California Department of Fish and Wildlife (CDFW).

The Corp is responsible for issuing permits under Section 404 of the federal Clean Water Act. Section 404 permits are required when activities discharge dredged or fill material into “waters of the United States”, including wetlands. BCAG and the Permittees are developing a Regional General Permit (RGP) and In-Lieu-Fee (ILF) Program with the Corp that will result in a more simplified, streamlined process for receiving Section 404 permit clearance for activities covered under the BRCP.

Covered activities with impacts to waters of the U.S. of 1.5 acres or less, or 500 linear feet of stream bank, will be eligible to use the RGP and ILF Program. Activities with impacts exceeding this limit would follow standard permit processes, but these would also be expedited through complimentary agreements with the Corp.

Work completed to date, and the planned schedule moving forward include:

- Draft versions of the RGP and ILF Program were completed in late 2015 after multiple reviews by the Intergovernmental Review Team (IRT) and subsequent revisions. The draft documents were then circulated for a required 30-day public comment period in late 2015. The draft documents are available on the BRCP website at: <http://www.buttehcp.com/BRCP-Documents/Draft-Regional-General-Permit-and-ILF-Prospectus/index.html>.
- After a delay due to lack of funding, work resumed on the final RGP and ILF Program in February 2019 and will be completed in late 2019 or early 2020. BCAG is working with the consultant team at ICF International to develop the final documents and will be engaging with the Corp in developing the final documents. Work will also be coordinated with the Chico Building Association and other interested stakeholders.

In the future, BCAG and the Permittees hope to add streamlining for additional permitting processes, including Section 401 of the Clean Water Act, Section 1600 of the California Fish and Wildlife Code, and Section 106 of the National Historic Preservation Act.