EMERGENCY PERMIT PROCESS

FOR DAMAGED STREAM CROSSINGS, STRUCTURES,
BANK STABILIZATION AND REPAIRS

This document is intended to provide private landowners in Santa Cruz County with guidance and direction around the emergency permitting process for construction in and around streams, rivers and wetlands. Please consult with the agencies identified below, as regulations are subject to change. Before an emergency project can be approved by CA Department of Fish and Wildlife (CDFW) or the Central Coast Water Quality Control Board (Central Coast Water Board), the project must fit California Environmental Quality Act’s (CEQA) criteria for an ‘emergency’ as they are subject to state law. CEQA is the statute that requires state and local agencies to identify the significant environmental impacts of their actions and to avoid and/or mitigate those impacts. The Army Corps of Engineers (ACOE) defines an emergency separate from CEQA and is described in a section of this document, below. If the project is not determined to be an emergency project by the agencies, then the landowner must comply with the standard permitting procedure. The CDFW, Central Coast Water Board and ACOE have legal obligations to protect natural resources.

DEFINITIONS OF AN EMERGENCY

CEQA Emergency Project Defined
§ 21060.3. EMERGENCY
“Emergency” means a sudden, unexpected occurrence, involving a clear and imminent danger, demanding immediate action to prevent or mitigate loss of, or damage to, life, health, property, or essential public services. “Emergency” includes such occurrences as fire, flood, earthquake, or other soil or geologic movements, as well as such occurrences as riot, accident, or sabotage.

For example, if a residential bridge was deteriorating for a period of time, lacking needed maintenance and falls out during a storm, it is not considered an ‘emergency’ because the collapse could have been prevented.
CEQA Emergency Project Exemptions 15269. EMERGENCY PROJECTS

The following emergency projects are exempt from the requirements of CEQA:

(a) Projects to maintain, repair, restore, demolish, or replace property or facilities damaged or destroyed as a result of a disaster in a disaster-stricken area in which a state of emergency has been proclaimed by the Governor pursuant to the California Emergency Services Act, commencing with Section 8550 of the Government Code. This includes projects that will remove, destroy, or significantly alter an historical resource when that resource represents an imminent threat to the public of bodily harm or of damage to adjacent property or when the project has received a determination by the State Office of Historic Preservation pursuant to Section 5028(b) of Public Resources Code.

(b) Emergency repairs to publicly or privately owned service facilities necessary to maintain service essential to the public health, safety, or welfare.

(c) Specific actions necessary to prevent or mitigate an emergency. This does not include long-term projects undertaken for the purpose of preventing or mitigating a situation that has a low probability of occurrence in the short-term.

(d) Projects undertaken, carried out, or approved by a public agency to maintain, repair, or restore an existing highway damaged by fire, flood, storm, earthquake, land subsidence, gradual earth movement, or landslide, provided that the project is within the existing right of way of that highway and is initiated within one year of the damage occurring. This exemption does not apply to highways designated as official state scenic highways, nor any project undertaken, carried out, or approved by a public agency to expand or widen a highway damaged by fire, flood, storm, earthquake, land subsidence, gradual earth movement, or landslide.

(e) Seismic work on highways and bridges pursuant to Section 180.2 of the Streets and Highways Code, Section 180 et Seq.

US Army Corps of Engineers (ACOE) defines an emergency separate from CEQA and states, “An emergency situation is present where there is a clear, sudden, unexpected, and imminent threat to life or property demanding immediate action to prevent or mitigate loss of, or damage to, life, health, property or essential public services (i.e., a situation that could potentially result in an unacceptable hazard to life or a significant loss of property if corrective action requiring a permit is not undertaken immediately).”
PERMIT AUTHORIZATIONS

Step 1:

County of Santa Cruz

Notify the County that there is an emergency by calling Resource Planner, Logan Thompson, at (831) 454-2530 or by email at Logan.Thompson@santacruzcounty.us. The general number to reach the Planning Department is (831) 454-2580. The landowner may install temporary measures to abate a true emergency. After the site has been stabilized, the applicant then needs to propose a permanent solution and get a follow up regular building permit from the Planning Department which will need to include engineered plans and will go through the standard building permit review process. If plans for the regular building permit will take time to prepare, an emergency building permit can be issued in advance of the regular permit, provided there is a licensed civil and/or geotechnical engineer overseeing project construction, and some key details of the proposed construction can be provided. Please schedule an appointment with the building counter to discuss emergency building permits.

Here are some helpful links to information for typical repair projects:

- **Structural Engineer** – A structural engineer is a type of civil engineer that will design your retaining wall foundation. A list of local civil engineers can be found here: [https://www.sccoplanning.com/Portals/2/County/Planning/env/civil_consultants.pdf?ver=BBHajqJBF4edcqjY1T-55mA%3d%3d](https://www.sccoplanning.com/Portals/2/County/Planning/env/civil_consultants.pdf?ver=BBHajqJBF4edcqjY1T-55mA%3d%3d)

- **Geotechnical Engineer** – A geotechnical engineer (also called “soils engineer”) is another type of civil engineer that will help you assess the soils in the area and provide foundation design recommendations to your structural engineer. A list of local geotechnical engineers can be found here: [https://www.sccoplanning.com/Portals/2/County/Planning/env/Local_Geotechnical_%28Soils%29_Engineers.pdf?version=092420](https://www.sccoplanning.com/Portals/2/County/Planning/env/Local_Geotechnical_%28Soils%29_Engineers.pdf?version=092420)

- **Riparian Exception** – You will need to obtain a riparian exception permit for any development activities that fall within the Santa Cruz County’s protected riparian corridor. The County has created a Master Riparian Exception Permit for work related to repairing or reconstructing stream crossings such as culverts and bridges, necessary for property owners to access their properties, as well as repairs within the riparian corridor necessary to support a roadway.

- **Emergency Building Permit**: After you have your riparian exception in hand, we can expedite the issuance of an “over-the-counter” (OTC) building permit which costs approximately $800, even if your plans are not fully complete, to be followed up by a “regular” (non-emergency) permit. This is covered under County Code Section 12.10.380 which can be found here: [https://www.codepublishing.com/CA/SantaCruzCounty/#/SantaCruzCounty12/SantaCruzCounty1210.html#12.10.380](https://www.codepublishing.com/CA/SantaCruzCounty/#/SantaCruzCounty12/SantaCruzCounty1210.html#12.10.380)
Step 2:

**Army Corps of Engineers (ACOE)** Please contact the ACOE to find out if you need authorization for your emergency project. The project may be authorized as emergency maintenance and exempt from permitting; require a U.S. Army Corps of Engineers Emergency Permit; or may require a different permit.

You must notify the ACOE and wait for approval to proceed. You may notify them via phone, fax, email, or mail.

South Branch Chief, Katerina Galacatos at 415-503-6778 or Katerina.Galacatos@usace.army.mil or fax 415-503-6990

If mailing, notification should be sent:

ATTN: Katerina Galacatos
U.S. Army Corps of Engineers
San Francisco District
Regulatory Division, CESPN-R
1455 Market Street

Step 3:

**Central Coast Water Board**

Work within streams, rivers, riparian areas, and wetlands

The Central Coast Water Board regulates, and issues permits for emergency projects or other work occurring in rivers, streams, riparian areas, wetlands, and other water bodies. Some project examples include replacement of road infrastructure and stream crossings including culverts and bridges, bank stabilization and erosion control, and removal of sediment and debris. If you intend to conduct emergency repairs or other work in a water body, please follow the process below to determine if you need a permit. Please note that the Central Coast Water Board permits authorize emergency work to proceed prior to permit issuance, with after-the-fact notification and reporting, if the emergency is imminent and there is no opportunity for notification prior to conducting the work.

Concurrently:

- **Contact the U.S. Army Corps of Engineers** to find out if you need authorization from them for your emergency project. The project may be authorized as emergency maintenance and exempt from permitting; require a U.S. Army Corps of Engineers Emergency Permit; or may require a different permit. The Corps contact for the Santa Cruz area is Katerina Galacatos, (katerina.galacatos@usace.army.mil), Office: (415) 503-6778.

- **Contact Central Coast Water Board staff** (kim.sanders@waterboards.ca.gov): We will help you get the appropriate Central Coast Water Board authorization, which in part depends on how and if the U.S. Army Corps of Engineers regulates the project.

- **Provide us with information about the emergency project**: Complete and email to the Central Coast Water Board the Storm Response and Emergency Project Application Form (or a Notice of Intent form if you already began to complete a Notice of Intent (NOI)). Include documentation of the U.S. Army Corps of Engineers’ determination, if you have it. Central Coast Water Board
staff will determine the appropriate state authorization for your emergency project based on
the information you submit.

Submittal:
  o The Storm Response and Emergency Project Application Form (or NOI form) should be
    submitted as follows: email to Kim Sanders (kim.sanders@waterboards.ca.gov) and
    rb3-401application@waterboards.ca.gov.

Kim Sanders at Kim.Sanders@waterboards.ca.gov or by phone at 805-542-4771.

Step 4:

CA Department Fish and Wildlife

Fish and Game Code section 1602 requires an entity to notify CDFW prior to commencing any activity
that may do one or more of the following:

- Substantially divert or obstruct the natural flow of any river, stream or lake;
- Substantially change or use any material from the bed, channel or bank of any river,
  stream or lake; or
- Deposit debris, waste or other materials that could pass into any river, stream or lake.

Fish and Game Code section 1602 defines CDFW’s standard notification process for Lake or
Streambed Alteration (LSA) Agreements. LSA agreements are issued when a project activity may
substantially adversely affect fish and wildlife resources. You can find more information on CDFW’s
LSA program here: https://wildlife.ca.gov/Conservation/Environmental-Review/LSA

There are exceptions to CDFW’s standard notification process for emergency work. Under Fish and
Game Code section 1610, emergency work includes the following:
(1) Immediate emergency work necessary to protect life or property.
(2) Immediate emergency repairs to public service facilities necessary to maintain service as a result
of a disaster in an area in which a state of emergency has been proclaimed by the Governor.
(3) Emergency projects undertaken, carried out, or approved by a state or local governmental agency
to maintain, repair, or restore an existing highway within the existing right-of-way of the highway,
that has been damaged as a result of fire, flood, storm, earthquake, land subsidence, gradual earth
movement, or landslide, within one year of the damage.

Typical emergency projects have been immediate actions during or immediately after an emergency
to repair, in kind, a structure or facility. Emergency work may include temporary solutions to stabilize
a site, so that it can be evaluated by a qualified professional for a proper design. Advance notification
is not required for emergency work, however CDFW must be notified within 14 days after beginning
the emergency work.
This notification requirement can be met by completing the Notify for Emergency Work opportunity in CDFW’s permitting portal, EPIMS: https://epims.wildlife.ca.gov/index.do. You will need to register for an account in EPIMS if you don’t already have one. There is no fee involved for the emergency notification process.

Although advance notification is not required for emergency work, consultation before beginning the work can enable CDFW staff to identify ways to minimize both impacts to resources and need for any remedial actions, while ensuring your emergency needs are met.

Although Fish and Game Code section 1610 exempts emergency work from the notification requirements in section 1602, other provisions in Fish and Game Code are applicable such as section 5650 (prohibiting the discharge or release of deleterious substances or materials) and section 5901 (prohibiting the construction or maintenance of any device or contrivance that prevents or impedes fish passage). In addition, the work conducted should prevent toxic materials entering the creek that can be deleterious to aquatic life in addition to reducing disturbance or removal of vegetation.

CDFW Santa Cruz contact:

    Serena Stumpf, Environmental Scientist
    California Department of Fish and Wildlife – Bay Delta Region
    2825 Cordelia Road, Suite 100, Fairfield, CA 94534
    Phone: (707) 337-1364
    Email: Serena.Stumpf@wildlife.ca.gov