Typical Stream Restoration Examples:

- Repair headcuts and channel incision
- Reduce bank erosion
- Improve fish and wildlife habitat
- Increase floodplain connectivity
- Enhance riparian vegetation
- Improve form and function (often sediment transport)
- Increase water retention
- Often grant funded with very short, finite schedules

What we like about current CWA 404 permitting

- Nationwide permits help to guide projects to minimum impacts
- ACOE is basically a clearing house for coordination of multiple agency permit requirements
- Review of nationwide applications is a relatively predictable timeline that can be included in project timelines

April 2021

December 2021

August 2024

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Problems with current CWA 404

- Ephemeral channels are ecologically and physically important to mission of CWA and should be included for protection

- Requirements for SHPO and Biological Assessment are the very expensive and time consuming portions of the project, especially for smaller projects

- Monitoring requirements are often not in alignment with grant timelines and funding

- OHWM delineation may not provide any guidance for potentially adverse impacts further out in floodplain

- Despite predictability of the permit process it may be slow enough that emergency efforts are not adequately reviewed.

Some suggestions

- If any part of the project is within federal jurisdiction – CWA 404 rules have primacy and no need for state permit

- Projects that do not affect more than 10X active channel widths of stream likely don't need to be permitted

- Grade control or practices that are intended to retain current channel shape should not require review

- Restoration projects should be providing basic design analysis information (hydrology, channel size, vegetation goals etc.)

- Maintenance affecting less than 10X active channel lengths of stream should not be reviewed

- Farm practices do not need to be reviewed (including acequia management)

- Required monitoring beyond grant funding should be repeat photo monitoring only

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