

Regulations and Agencies Responsible for Protecting the Bay, Wetlands and Wildlife

Clean Water Act Regulations: [please be aware that as of Spring 2025, there are changes being proposed that would further decrease the regulatory reach of the CWA]

U.S. Environmental Protection Agency (USEPA) Overview of the Clean Water Act:
<https://www.epa.gov/cwa-404/overview-clean-water-act-section-404>

State and Federal Agencies that Regulate Wetlands/Baylands Fill:

U.S. Army Corps of Engineers (USACE) San Francisco District Regulatory Division: Regulates the placement of fill within waters of the U.S. (including wetlands). Permits must be obtained for the placement of fill: <https://www.spn.usace.army.mil/Missions/Regulatory/>

USACE Clean Water Act Section 404 Permit Public Notices:
<https://www.spn.usace.army.mil/Missions/Regulatory/Public-Notices/>

U.S. EPA Region IX: Shares responsibility for administering the Clean Water Act. Can elevate jurisdictional determinations and permit decisions made by the USACE at the regional level for review by USEPA Headquarters:
<https://www.epa.gov/sfbay-delta/epas-role-protecting-watershed>

San Francisco Bay Regional Water Quality Control Board (RWQCB): State agency responsible for administering Section 401 (water quality) Clean Water Act. Authorization required for Corps fill permits. Also administers State Porter-Cologne Act (water quality):
General information - <https://www.waterboards.ca.gov/sanfranciscobay/>
Public Notices - https://www.waterboards.ca.gov/sanfranciscobay/public_notices/#section401

San Francisco Bay Conservation and Development Commission (BCDC): Regional Agency established by the State McAteer-Petris Act for placement of fill within the 100' shoreline band, salt ponds, and certain diked baylands. Within the San Francisco Bay, a BCDC permit authorization satisfies the Corps Section 404 permit requirement for a Coastal Zone Management (CZM) authorization. <https://www.bcdc.ca.gov/>

Bay Plan – Document that describes BCDC's policies regarding the regulation of fill placed within the Bay and within the 100' Shoreline Band.
<https://www.bcdc.ca.gov/resources/plans/san-francisco-bay-plan/>

California Coastal Commission: State agency responsible for regulating development activities along California's coastline. <https://www.coastal.ca.gov/>

State Lands Commission: State agency with regulatory authority over public trust lands – tidal and submerged lands, and the beds of natural navigable rivers, streams, lakes, bays, estuaries, inlets and straits. *"The Commission, in its capacity as a landowner, protects and enhances these lands and natural resources by issuing leases for use, development, and environmental preservation, championing public access, and resolving boundaries between public and private lands."* <https://www.slc.ca.gov/>

Resource Agencies:

If proposed fill for Section 404 CWA permit applications may impact federal or state listed species, then the U.S. Fish and Wildlife Service and California Department of Fish and Wildlife must be consulted before the fill permit will be valid. For the Bay Area, there are two offices of the USFWS – the Bay-Delta Branch for impacts to listed species within the San Francisco Bay and adjacent tidal wetlands, and the Sacramento Field Office for all uplands species.

USFWS Bay-Delta Office:

<https://www.fws.gov/office/san-francisco-bay-delta-fish-and-wildlife>

USFWS Sacramento Field Office:

<https://www.fws.gov/office/sacramento-fish-and-wildlife>

CDFW Bay-Delta Region: Reviews California Environmental Quality Act documents, issues permits for activities occurring within streams (Stream Alteration Agreements), administers the California Endangered Species Act, provides oversight for the Regional Conservation Investment Strategy (RCIS) program, and Natural Community Conservation Planning, etc.

<https://wildlife.ca.gov/Regions/3>

USFWS Don Edwards San Francisco Bay National Wildlife Refuge: The Don Edwards San Francisco Bay National Wildlife Refuge, located in south San Francisco Bay, California, is one of the first and the largest urban refuges in the United States. The refuge consists primarily of tidal marsh, salt ponds, mud flats, and seasonal wetlands and is an integral part of permanently protecting and maintaining the ecological health and biodiversity of San Francisco Bay.

<https://www.fws.gov/refuge/don-edwards-san-francisco-bay>

USFWS San Francisco Bay National Wildlife Refuge Complex: Complex of seven National Wildlife Refuges including – the Don Edwards San Francisco Bay NWR, Salinas River NWR, Ellicott Slough NWR, Farallon Islands NWR, Marin Islands NWR, San Pablo Bay NWR, and Antioch Dunes NWR

<https://www.fws.gov/refuge/don-edwards-san-francisco-bay/about-us>

Restoration of San Francisco Bay Wetlands:

California Coastal Conservancy: State agency established to “protect and improve natural lands and waterways, help people access and enjoy the outdoors, and sustain local economies along the length of California’s coast and around San Francisco Bay.” <https://scc.ca.gov/>

San Francisco Bay Restoration Authority: *“The San Francisco Bay Restoration Authority is a regional agency created to fund shoreline projects that will protect, restore, and enhance San Francisco Bay through the allocation of funds raised by the Measure AA parcel tax.”* <https://www.sfbayrestore.org/>

The Restoration Authority also supports the San Francisco Bay Restoration Regulatory Integration Team. The BRRIT is comprised of staff from six state and federal agencies that might have regulatory authority over proposed multi-benefit habitat restoration projects that are associated with flood management and public access within the Bay and along the San Francisco Bay shoreline. The purpose of the BRRIT is to help coordinate review and oversight over proposed restoration projects with the goal of reducing the length of time required for the permit review process. <https://www.sfbayrestore.org/san-francisco-bay-restoration-regulatory-integration-team-brrit>