# Tide Gate Landowner Steps for Regulatory Process (12/14/2020)

#### Step 1: Initial Contact and Pre-Project Information

Landowner contacts tide gate
coordinator or other local technical
assistance provider (watershed council,
SWCD, etc.) to initiate conversation
about a tide gate repair/replacement.
At this time, the tide gate coordinator
will provide the landowner with initial
information to consider including
potential funding and technical, and
cultural resources. At the same time,
agencies will begin pre-project
consultation to better understand the
project location and details.

#### Step 2: Team Activation and Pre-Project Assessment

Landowner will complete a pre-project information form provided by the **Tide** gate coordinator that will be shared with the agencies to provide a summary of the project.

**Tide gate coordinator** works with **landowner** and **agencies** to set up site visit. **Tide gate coordinator** provides information to the agencies to prepare for site visit and determines which agencies need to participate.

### Step 3: Site Visit or other Assessment

Tide gate coordinator facilitates the site visit with both the landowner and the agencies. Landowner may also want to include technical assistance provider, engineer or other consultant. Landowner shares goals, agencies discuss regulatory pathway options.

Following the site visit, **agencies** will provide a joint written response to **landowner** outlining which regulations are likely to be triggered by the project and options to move forward.

### Step 4: Landowner Options and Decisions

Landowner engages engineer, technical assistance provider or other consultant to explore tide gate designs that achieve their goals and regulatory requirements.

Landowner may also consider ways to improve the habitat value of the project to be eligible for grant programs and begin work with the local technical assistance provider to apply for grants. Landowner informs agencies of the approach they would like to pursue, which determines the regulatory pathway outlined in <a href="Step 7">Step 7</a>.

## Step 5: Final Project Design & Permit Preparation

If landowner has hired an engineer/consultant, landowner works to develop and finalize tide gate design that will achieve landowner goals and regulatory requirements. In coordination with agency technical team, landowner prepares a water management plan as appropriate. Working with the tide gate coordinator or local technical assistance provider the landowner prepares permit applications and associated documents.

#### Step 6: Permit Application, Submittal & Review

Landowner coordinates with tide gate coordinator or other local technical assistance provider to submit permit applications. Agencies review permit applications for completeness and - determine whether applications can be reviewed through streamlined programmatic consultation/permit or will need an individual consultation/permit. Consultation is initiated with agencies.

### **Step 7a or 7b: Programmatic or Individual Consultation**

Step 7a Programmatic Consultation (<30 days): Agencies review permit application for consistency and to ensure all regulatory requirements have been met. Agencies may have additional questions for the landowner.

Step 7b Individual Consultation (135 days): NOAA writes biological opinion with conditions and monitoring requirements. Agencies review the permit application to ensure regulatory requirements are met. Agencies may have additional questions for landowner.

# Step 8: Permit Issued, Project Implementation & Compliance

Agencies make permit issuance decisions. Landowner implements project in accordance with permit conditions. Once the project is complete, landowner completes compliance monitoring/reporting and implements water management plan.

Successful projects are built on collaboration and coordination among landowners, local technical providers, agencies and other stakeholders.