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SECTION 1 - INTRODUCTION

1.1 INTRODUCTION

The City of Santa Rosa is preparing an Environmental Impact Report (EIR)/Environmental Impact Statement (EIS) for the expansion of the headworks capacity (pumping of wastewater from the plant intake to the treatment facilities) and treated wastewater reuse from the Laguna Wastewater Treatment Plant (Laguna Plant). Five alternatives are being evaluated by the EIR/EIS. The Five Alternatives are:

1. No Project/No Action Alternative
2. South County Alternative - The South County Reclamation Alternative focuses on the use of reclaimed water for agricultural irrigation in areas south and east of Santa Rosa.
3. West County Alternative - The West County Reclamation Alternative focuses on the use of reclaimed water for agricultural irrigation in areas west of the Laguna de Santa Rosa.
4. Geysers Alternative - The Geysers Alternative provides for transmission of reclaimed water to the Sonoma Geysers, located northeast of Healdsburg recharge of the geysers that are currently used as a source of geothermal energy.
5. Russian River Alternative - The Russian River Discharge Alternative provides for the discharge of reclaimed water to the Russian River at a maximum rate of 20 percent of river flow.

This report identifies the potentially applicable federal, state, regional, county, and city permits and permitting requirements for the construction, maintenance, and operation of the Santa Rosa Subregional Long-Term Wastewater Project (Project). It identifies permits and approvals to be obtained and/or reviewed, provides a list of permit application requirements, and describes the timing required for permit acquisition. The information will be used to schedule permit application and submittal dates for the various Wastewater Project components to ensure the integrity of the project schedule.

This document identifies only those agencies that have direct permitting authority. There are many other agencies that do not have permits to issue, but have review authority over the Project, EIR, or permits. Others have the right to challenge permitting for particular alternatives in court. This report does not attempt to include all agencies interested in this project.

1.2 REPORT ORGANIZATION

Chapter 1 provides an introduction to the Santa Rosa Subregional Long-Term Wastewater Project Permitting Report. Table 1 provides a summary of the potentially applicable federal, state, regional, county, and city permits and consultations. Table 2 provides a preliminary estimate of the permit review and approval schedule.

Chapter 2 contains a discussion of each of the permits listed in Table 1. Permits are listed by the agency responsible for issuing the permit. Each permit discussion lists the permit review schedule and the procedures for obtaining the permit.

Chapter 3 provides a list of permits required for each alternative.

Chapter 4 is a list of references used in this report.

1.3 LEAD AGENCY

Under the California Environmental Quality Act (CEQA), the City of Santa Rosa is named as the Lead Agency because they are the project proponent and will take the first action to approve the project. As Lead Agency, the City of Santa Rosa is responsible for ensuring that the Environmental Impact Report (EIR) on the project is consistent with CEQA.

Under the National Environmental Policy Act (NEPA) the U.S. Army Corps of Engineers (Corps) is named as a Co-Lead Agency because several of the alternatives being considered may require Corps permits. Some alternatives may not require any Corps approvals. As Co-Lead Agency, the Corps will be responsible for ensuring the Environmental Impact Statement (EIS) on the project is consistent with NEPA. Cooperating Agencies with the Corps are National Oceanic and Atmospheric Administration (NOAA) and the Bureau of Land Management (BLM). Federal agencies are asked to become cooperating agencies when a project may require a permit from their agency or because of particular interest that agency may have. As a cooperating agency, there are formal avenues for input throughout the preparation of the EIS.

All EISs are formally filed with the Environmental Protection Agency (EPA). As part of the filing process. EPA ensures distribution of the draft EIS, reviews a draft EIS format and content, and acts on requests for review time modifications. Section 309 of the Clean Air Act authorizes EPA to review and comment in writing on the environmental impact of any matter subject to NEPA and to refer to CEO any matter determined to be unsatisfactory from the standpoint of public health, welfare, or environmental quality.

Many other agencies have discretionary authority (responsible agencies) to approve part or all of the project and will rely on the City of Santa Rosa and the Corps to produce an EIR/EIS adequate for their needs. This Permitting Report lists each of these responsible agencies and describes their authority. In addition, the City and the Corps must confer with many other interested public agencies which do not have approval authority over the

project. These interested agencies are not listed in this report, but will participate in the review of the EIR/EIS.

1.4 AGENCY REQUIREMENTS

For most permitting or approving agencies, the EIR/EIS is a prerequisite in the permitting/approval process. Additionally, some agencies' approvals or permits are dependent upon acceptance or clearance by others. Notably, several agencies state that historic/archaeological clearance through the State Historic Preservation Officer is necessary prior to approval of an applicant's permit. Local governments may also require clearance by state or federal agencies prior to considering an action. Chapter Two of this document identifies the agency requirements for each permit.

1.5 SCHEDULE IMPLICATIONS

Consultation with agencies may start during the EIR/EIS preparation process, but most permitting and approval processes start after the environmental document has been certified. Some agencies, especially local municipalities, can complete straightforward encroachment and plan checks within a few weeks; other agencies indicate that their processing can take up to six months.

Of particular note, the State Water Resources Control Board (SWRCB) has the potential for the longest review period. Water rights issues can take up to one year to resolve. If a water rights protest is filed, the approval process could take a few years. In addition, the Authority to Construct and Permit to Operate, issued by the Bay Area Air Quality Management District (BAAQMD), also has a lengthy review period and can be subject to delays. The BAAQMD permitting process is estimated to take a minimum of one year.

1.6 METHODOLOGY

The information contained within this document has been obtained through meetings, letters, and phone conversations with the various agencies and members of the Consultant Project Team. As this process proceeds, aspects of the project which are currently not fully defined may result in additional permit requirements once the project design is complete. As a result, this document will evolve until project selection occurs in 1996. At that time the document will be revised to reflect the preferred alternative's permit requirements and acquisition timeline.

Table 1 lists the agency responsible for issuing the permit, project alternatives which may require the permit, type of permit, the activity requiring the permit, permit review period, and authority.

Table 1

Potentially Applicable Federal, State, Regional, County, and City Permits and Approvals

Agency	Type of Permit or Approval	Alternative No.	Regulated Activity	Review Period	Authority
Federal Agency Permits and Approvals					
U.S. Army Corps	Department of the Army (DA) Permit (Section 404)	2, 3 (Must apply for an Individual Permit) 4, 5 (Falls under an existing Nationwide Permit)	Discharge of dredged or fill material into waters of the U.S., (including wetlands).	Six to eight months after certification of the FEIR/FEIS.	Section 404 Clean Water Act (33 USC 1344)
U.S. Army Corps	Department of the Army (DA) Permit (Section 10)	2, 3, (Must apply for an Individual Permit)	Structures or work in or affecting navigable waters of the U.S.	Up to seven months after certification of FEIR/FEIS.	Section 10 of Rivers and Harbors Act of 1899 (33 USC 403)
Advisory Council on Historic Preservation/State Office of Historic Preservation	Section 106 Review and Compliance	2, 3, 4, 5	Consideration of a Section 404 permit by the Corps.	Up to six months after certification of FEIR/FEIS.	National Historic Preservation Act 36 CFR 800
National Oceanic and Atmospheric Administration (NOAA)	Review	3, 4, 5	Consideration of a Section 404 permit by the Corps.	None.	Clean Water Act; Marine Sanctuaries Act
Fish and Wildlife Service/ National Marine Fisheries Service	Section 7 Consultation	2, 3, 4, 5	Consideration of a Section 404 permit by the Corps.	Four to six months after certification of FEIR/FEIS.	16 USCA 1531 et seq; 50 CFR Part 17, Sections 17.94-17.96 Endangered Species.
U.S. Bureau of Land Management	Geothermal Sundry Permit	4	Conversion of a geothermal well to an injection well.	One week.	Geothermal Steam Act of 1970

Table 1

Potentially Applicable Federal, State, Regional, County, and City Permits and Approvals

Agency	Type of Permit or Approval	Alternative No.	Regulated Activity	Review Period	Authority
U.S. Bureau of Land Management	Geothermal Drilling Permit	4	Drilling a new geothermal well for use as an injection well.	One week.	Geothermal Steam Act of 1970
U.S. Bureau of Land Management	Right-of-Way	4	Crossing land owned or leased by BLM with a pipeline, road, or other facility.	Two weeks.	Federal Land Policy and Management Act of 1976
U.S. Environmental Protection Agency (EPA)	UIC Group V Well Injection Permit	2, 3, 4	Injection of treated wastewater into wells. EPA generally defers to the Regional Water Quality Control Boards for enforcement of the Well Injection Permitting Program.	Refer to NCRWQCB Waste Discharge Requirements.	Safe Drinking Water Act
State Agency Permits and Approvals					
California Department of Transportation (Caltrans)	Encroachment Permits	2, 3, 4	Use of CA rights-of-way for installation of pipelines along state freeways and roads.	Two months after certification of FEIR/FEIS.	21 CCR14.11.1-14.11.6
California Department of Transportation (Caltrans)	Transportation Permit	2, 3, 4	Transport of heavy or oversized loads on state roads during construction.	Same day as applied for.	California Vehicle Code Section 35780; California Streets and Highway Code 117, 660-711
State Lands Commission	Land Use Lease	4	Placement of fill or structures in navigable waterways or Section 16 or 36 lands.	Six months.	California Public Resources Code Section 6000 et. seq.
State Water Resources Control Board	Water Rights Permit	2, 3	Reservoirs without diversion structures for existing streamflow.	Six to twelve months.	
State Water Resources Control Board	Petition for Change	2, 3, 4, 5	Change in location or amount of current wastewater discharge	One to twelve months.	

Table 1

Potentially Applicable Federal, State, Regional, County, and City Permits and Approvals

Agency	Type of Permit or Approval	Alternative No.	Regulated Activity	Review Period	Authority
California Department of Water Resources, Division of Safety of Dams (DSOD)	Approval of plans and specifications for the construction or enlargement of a dam or reservoir	2, 3	Dam or reservoir construction or enlargement.	Six months.	California Water Code Division 3, Dams and Reservoirs Parts 1 and 2.
California Occupational Safety and Health Administration (CalOSHA)	Permits for construction, trench excavations, and demolition	2, 3, 4, 5	Construction of trenches or excavations five feet or deeper and into which a person is required to descend. Construction or demolition of any building, structure, scaffolding or falsework more than three stories high. The underground use of diesel engines in working mines and tunnels.	One week.	California Labor Code Section 6500
California Coastal Commission	Coastal Development Permit, Coastal Zone Development Permit, Consistency Determination	3	Any activity within the designated areas.	Three months after certification of FEIR/FEIS.	California Coastal Act; Coastal Zone Management Act
California Department of Fish and Game	Streambed Alteration Agreement	2, 3, 4, 5	Crossing of streams, rivers, or lakes (also for reservoirs which interrupt streams).	One month after certification of FEIR/FEIS.	Sections 1601-1603 of the California Fish and Game Code
California Department of Fish and Game	Section 2081 Management Agreement	2, 3, 4, 5	Potential adverse effects to state endangered or threatened species or species proposed for state listing. Incidental "take" of state protected species by a non-state entity.	Seven months after FEIR/FEIS certification.	Section 2081 California Fish and Game Code
State Office of Historic Preservation	See Advisory Council on Historic Preservation under U.S. Army Corps of Engineers				

Table 1

Potentially Applicable Federal, State, Regional, County, and City Permits and Approvals

Agency	Type of Permit or Approval	Alternative No.	Regulated Activity	Review Period	Authority
Regional Agency Permits and Approvals					
Bay Conservation and Development Commission (BCDC)	Development Permit, Consistency Determination	2	Any structures built in or near San Francisco Bay up to five feet above mean sea level.	Three months after FEIR certification.	San Francisco Bay Plan and McAteer Petris Act (California Government Code Sections 666000 et seq.); 14 CCR Division 5; Suisun Marsh Preservation Act of 1977 (Public Resources Code Section 2900 et seq.); Coastal Zone Management Act.
North Coast Regional Water Quality Control Board and San Francisco Bay Regional Water Quality Control Board	Point Source National Pollutant Discharge Elimination System (NPDES) Permit for discharge from a Publicly Owned Treatment Works (POTW)	All	Discharge of treated municipal wastewater from a publicly owned treatment works to waters of the U.S.	Six to seven months.	Federal Clean Water Act; Porter-Cologne Water Quality Control Act.
North Coast Regional Water Quality Control Board and San Francisco Bay Regional Water Quality Control Board	General Construction Stormwater NPDES Permit	2, 3, 4, 5	All stormwater discharges when clearing, grading, and excavation result in a land disturbance of five or more acres.	Prior to construction.	Clean Water Act
North Coast Regional Water Quality Control Board and San Francisco Bay Regional Water Quality Control Board	Waste Discharge Requirements	2, 3, 4, 5	Discharge of reclaimed water on land and to groundwater.	Six months to one year.	Porter-Cologne Water Quality Act

Table 1

Potentially Applicable Federal, State, Regional, County, and City Permits and Approvals

Agency	Type of Permit or Approval	Alternative No.	Regulated Activity	Review Period	Authority
North Coast Regional Water Quality Control Board and San Francisco Bay Regional Water Quality Control Board	Section 401 Water Quality Certification	2, 3, 4, 5	Discharge of fill materials to waters of the U.S.	Two months.	Clean Water Act
Bay Area Air Quality Management District (BAAQMD)	Authority to Construct and Permit to Operate	2, 3, 4, 5	Any project that emits criteria pollutants. Project also subject to reporting under Toxic Hot Spots legislation (AB 2588). District oversees criteria pollutant emissions and odor control.	One year or longer.	New Source Review regulations; Clean Air Act; BAAQMD Regulation 2, Rule 2, Sections 301.2 and 302
County and City Agency Permits and Approvals					
Sonoma County Permit and Resource Management Department	Coastal Zone Development Permit	3	Any activity or structures built within the Coastal Zone designated by Local Coastal Plan (LCP).	Four months after certification of FEIR/FEIS.	California Coastal Act; Coastal Zone Management Act
Sonoma County Permit and Resource Management Department	Subdivision or merger of parcels	2, 3, 4, 5	If City purchases property it may need to merge or subdivide parcels.	Two weeks to six months.	County Codes
Sonoma County Permit and Resource Management Department	Use Permit	2, 3, 4, 5	Development of proposed facilities on leased land.	Three to four months.	County Codes
Sonoma County Permit and Resource Management Department	Well Drilling Permit	2, 3, 4	Construction or destruction of all wells.	One to two weeks.	County Codes
Sonoma County Permit and Resource Management Department	Cancellation of Williamson Act Contract	2,3	The non-renewal of any Williamson Act Contract.	Two to three months.	California Lands Conservation Act (commonly known as Williamson Act)

Table 1**Potentially Applicable Federal, State, Regional, County, and City Permits and Approvals**

Agency	Type of Permit or Approval	Alternative No.	Regulated Activity	Review Period	Authority
Sonoma County Permit and Resource Management Department	Road Encroachment Permit	2, 3, 4, 5	New transmission, water, or gas line crossings, or construction on or across county roads.	One to two months.	County Codes
Sonoma County Public Works Department	Grading Permit	2, 3, 4, 5	Certain grading activities if conducted prior to obtaining a building permit.	Two months.	County Codes
Sonoma County Public Works Department	Transportation Permit	2, 3, 4, 5	Transport of heavy or oversized loads on county roads.	One day.	County Codes
Airport Land Use Commission (Sonoma County)	Land Use Approval	2, 4, 5	Proposed land uses on airport property and in “referral area” around airports.	One month.	County Codes
Marin County Public Works Department	Road Encroachment Permit	3	New transmission, water, or gas line crossings, or construction on or across county roads.	One to two months.	County Codes
Marin County Public Works Department	Transportation Permit	3	Transport of heavy or oversized loads on county roads.	One day.	County Codes
City of Santa Rosa Public Works Department	Encroachment Permit	2, 3, 4, 5	Use of local jurisdictions right-of-way for installation of pipeline across roadways.	One to two months.	City ordinances
City of Santa Rosa Public Works Department	Transportation Permit	2, 3, 4, 5	Transport of heavy or oversized loads on city streets.	One day.	City ordinances
City of Santa Rosa Public Works Department	Building Permit, Street Improvement Permit, Grading Permit	2, 3, 4, 5	Construction activities within the City of Santa Rosa.	Approximately One month after final design.	Uniform Building Codes, as adopted.
City of Santa Rosa Fire Department	Hazardous Materials Management Plan (HMMP), Hazardous Materials Storage Permit (HMSP), Hazardous Materials Inventory (HMI)	2, 3, 4, 5	All facilities where hazardous materials are stored above or below ground in amounts greater than threshold quantities.	Approval on completion of construction phase.	California Health and Safety Code Section 25580 et seq.

Table 1

Potentially Applicable Federal, State, Regional, County, and City Permits and Approvals

Agency	Type of Permit or Approval	Alternative No.	Regulated Activity	Review Period	Authority
City of Cotati Public Works Department	Encroachment Permit	2	Use of local jurisdictions right-of-way for installation of pipeline along roadways.	One to two months.	City Ordinances
City of Cotati Public Works Department	Transportation Permit	2	Transport of heavy or oversized loads on city streets.	One day.	City Ordinances
City of Sebastopol Public Works Department	Encroachment Permit	3	Use of local jurisdictions right-of-way for installation of pipeline along roadways.	One to two months.	City Ordinances
City of Sebastopol Public Works Department	Transportation Permit	3	Transport of heavy or oversized loads on city streets.	One day.	City Ordinances
City of Sebastopol Building Department	Building Permit	3	Construction and installation of pipelines within city limits.	Two months	City Ordinances
City of Rohnert Park Public Works Department	Encroachment Permit	2, 3, 4	Use of local jurisdictions right-of-way for installation of pipeline along roadways.	One to two months.	City Ordinances
City of Rohnert Park Public Works Department	Transportation Permit	2, 3, 4	Transport of heavy or oversized loads on city streets.	One day.	City Ordinances

Table 2 provides the estimated timeline to obtain permits for this Santa Rosa Subregional Long-Term Wastewater Project. A number of permits and approvals cannot occur until after certification of the Final EIR/EIS by the City of Santa Rosa and the U.S. Army Corps of Engineers. The estimated schedule shows provisional approval of the Final EIR and EIS Working Paper by October 1996 and certification of the Final EIR and Record of Decision on the Final EIS by November 1997. Additional permits and approvals, including the NPDES Permits and Department of the Army (Section 404) permits, are estimated to be concluded by the end of 1998.

Table 2

Task Name	1997												1998																		
	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M
Federal Permits																															
U. S. Army COE																															
Section 404 Permit																															
Section 10 Permit																															
Hist. Preservation Advisory Council/ State Office of Historic Preservation																															
Section 106 Review and Compliance																															
National Oceanic and Atmospheric Administration (NOAA) review																															
Review of 404 Permit																															
U.S. Fish and Wildlife Service/National Marine Fisheries Services																															
Section 7 Consultation																															
U.S. Bureau of Land Management																															
Geothermal Sundry Permit																															
Geothermal Drilling Permit																															
Right-of-Way																															
U.S. Environmental Protection Agency																															
UIC Group V Well Injection Permit																															
State Permits																															
California Department of Transportation																															
Encroachment Permits																															
Transportation Permit																															
State Lands Commission																															
Land Use Lease																															
State Water Resources Control Board																															
Water Rights Permit																															
Petition for Change																															
Ca. Dept. of Water Resources, Div. of Safety of Dams																															
App. of plans for the Construction or Enlargement of a dam or reservoir																															

Table 2

Task Name	1997												1998																		
	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M
Ca. Occupational Safety and Health Administration																															
Permits for construction, trench excavations and demolition																															
California Coastal Commission																															
Coastal Dev. Permit, Coastal Zone Dev. Permit, Consistency Determination																															
California Dept. of Fish and Game																															
Streambed Alteration Agreement																															
Section 2801 Management Agreement																															
Regional Permits																															
Bay Conservation and Development Commission																															
Development Permit, Consistency Determination																															
North Coast Regional Water Quality Control Board (NCRWCQB/ SFRWCQB)																															
Point Source National Pollutant Discharge Elimination System (NPDES) Permit																															
General Construction Stormwater NPDES Permit																															
Waste Discharge Requirements																															
Section 401 Water Quality Certification																															
Bay Area Air Quality Management District																															
Authority to Construct and Permit to Operate																															
Sonoma County Permit and Resource Management Department																															
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Cancellation of Williamson Act Contract																															
Road Encroachment Permit																															
Sonoma County Public Works Department																															
Grading Permit																															
Transportation Permit																															

Table 2

Task Name	1997												1998																		
	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M
Airport Land Use Commission																															
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City of Santa Rosa																															
Road Encroachment Permit																															
Transportation Permit																															
Building Permit, Street Improvement Permit, Grading Permit																															
City of Santa Rosa Fire Department																															
Haz. Mat. Management Plan, Haz. Mat. Storage Permit, Haz. Mat. Inventory																															
City of Cotati Public Works Department																															
Road Encroachment Permit																															
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Road Encroachment Permit																															
Transportation Permit																															
Building Permit																															
City of Rohnert Park Public Works Department																															
Road Encroachment Permit																															
Transportation Permit																															

SECTION 2 - PERMIT DESCRIPTIONS

2.1 FEDERAL AGENCY PERMITS AND APPROVALS

2.1.1 U.S. Army Corps of Engineers

2.1.1.1 Section 404 Permit

Permit Scheduling

This permit process occurs simultaneously with and continues after the EIR/EIS process. It is estimated to take six to eight months after certification of the Final EIR/EIS.

Permitting Requirements

The 404 permit application process includes:

- A preliminary “application” to initiate discussions with Corps representatives regarding the project;
- A jurisdictional determination of wetlands and other waters of the U.S. to identify the elements within the project subject to Section 404 requirements. This may include any waters or wetlands where fill or placement of structures would occur in association with river, bay, or ocean outfalls; wetlands enhancement or creation; reservoir and dam sites; and pipeline stream crossings;
- A function and values analysis for nationwide permits;
- A 404(b)(1) alternatives analysis to identify the least environmentally damaging practicable alternative;
- A mitigation plan; and
- A final application, including a project description, the results of prior evaluations, and the EIR/EIS, including mitigation measures to avoid, minimize or replace wetland impacts so there is no net loss of wetland acreage, functions, or values.

Three major agency reviews are required prior to issuing a 404 permit. These are as follows:

- Historic Preservation Advisory Council;
- National Oceanic and Atmospheric Administration (NOAA); and

- U.S. Fish and Wildlife Service (USFWS) /National Marine Fisheries Service (NMFS).

These reviews are described in Sections 2.1.2, 2.1.3, and 2.1.4.

Comments

The discharge of dredged and fill materials into wetlands and other waters of the U.S. is regulated by the Corps. Permits issued by the Corps are subject to review by the EPA. Waters of the U.S. include:

- All waters subject to the ebb and flow of the tide to mean high water;
- Tributaries to such waters;
- Wetlands adjacent to such waters; and
- Non-tidal wetlands and waters.

The 404 permitting process is intended to contribute to the restoration and maintenance of the chemical, physical, and biological integrity of U.S. waters. Any fill or construction (such as berms to create wetlands) that may impact any current or historic waters and wetlands of the U.S. requires a Section 404 individual or nationwide permit. Construction of storage reservoir dams would also require a Section 404 permit.

2.1.1.2 Department of the Army Section 10 Permit

Permit Scheduling

This permit process occurs simultaneously with and continues after the EIR/EIS process. It is estimated to take about 26 weeks after certification of the Final EIR/EIS.

Permitting Requirements

The Section 10 permit can be included with the Section 404 permit. The 404 permit must identify the applicable affected navigable waters of the U.S.

Comments

Section 10 requires permits in accordance with the River and Harbors Act of 1899 for any structures or work in or affecting navigable waters of the U.S. The Section 10 permit application can be processed concurrently as part of the Section 404 permit process.

Review by the Historic Preservation Advisory Council, NOAA, and the USFWS/NMFS is required for the Section 10 permit and can take place in conjunction with the Section 404 permit review.

2.1.2 Advisory Council on Historic Preservation/State Office of Historic Preservation

2.1.2.1 Section 106 Review and Compliance

Review Scheduling

Review could take as long as six months; however, the time frame is generally shorter.

Review Requirements

A survey report with sufficient information about the affected properties to solicit the State Historic Preservation Officer's opinion must be submitted.

Comments

The National Historic Preservation Act (NHPA) requires any federal agency issuing permits to take into account actions affecting potentially significant cultural resources and to allow the State Historic Preservation Officer (SHPO) and the Advisory Council to comment. The authority for this is 36 CFR 800.

The Section 106 review process consists of five sequential steps: 1) identification and evaluation of historic properties; 2) assessment of effects to historic properties; 3) consultation with SHPO to resolve adverse effect issues; 4) Advisory Council comment; and 5) implementation of the project.

The SHPO will review the determinations of eligibility. The SHPO has 30 days from receipt of the determinations/survey report to respond. If the SHPO does not respond, it may be assumed that they concur with the determination.

If the SHPO does not concur with the findings and the lead agency (Corps) cannot resolve the disagreement, a formal determination of eligibility must be requested from the Keeper of the National Register (in the National Park Service). The Keeper's decision is final.

If there is a finding of no effect on historic properties from the proposed action, the SHPO has 15 days after receiving the notice to respond and either concur or not. A determination of no adverse effect must be sent to both the SHPO and the Advisory Council. This process could take up to 60 days, 30 days for a response from the SHPO and another 30 days for a response from the Advisory Council.

If a historic property will be adversely affected by the undertaking, consultation with the SHPO/Advisory Council ensues, aimed at reaching agreement on mitigation measures that will enable the agency to proceed with the proposed action avoiding or reviewing the effects on historic properties. All consulting parties, including the SHPO, lead agency (Corps), Advisory Council, and local governments and Native American representatives, if appropriate, must be given an opportunity to participate in the consultation. There is no time limit on this portion of the process.

The product of consultation is usually a Memorandum of Agreement (MOA). There are no time limits on consultation between the SHPO and the lead agency (Corps). After receipt of the draft MOA, the comment period by the SHPO/Advisory Council may extend up to 90 days.

Once the MOA is signed by the responsible agencies, it is a legally binding document that commits a federal agency to carry out the proposed action in accordance with the terms of the agreement. The MOA provides clear evidence that a federal agency has met its obligations under Section 106.

2.1.3 National Oceanic and Atmospheric Administration

2.1.3.1 Section 404 Permit Application Consistency Review

Review Scheduling

The Corps will ask NOAA to review Section 404 permit application for consistency with the regulations for which NOAA is responsible, specifically, where project facilities affect marine sanctuaries.

Review Requirements

A Section 404 permit application must be submitted.

Comments

Corps actions should be consistent with and avoid adverse affects on marine sanctuary resources. If the project includes facilities within the Gulf of the Farallones National Marine Sanctuary, the Secretary of Commerce (acting for NOAA) must issue a certification that the proposed activity is consistent with the purposes of the Marine Sanctuaries Act.

NOAA has responsibilities under the Marine Protection, Research Sanctuaries Act; the Marine Mammal Protection Act; the Fisheries Conservation and Management Act; the Coastal Zone Management Act; and the Endangered Species Act. NOAA does not, however, issue any permits directly. They fulfill their responsibilities by commenting to the Corps or other federal agency regarding a project. In addition, NOAA has the authority to act to protect the resources of the marine sanctuary through the federal court system.

2.1.4 U.S. Fish and Wildlife Service and National Marine Fisheries Service

2.1.4.1 Section 7 Consultation

Review Scheduling

Consultation is estimated to require about 26 weeks following certification of the Final EIR/EIS. The Biological Assessment requires from 90 to 180 days to complete (this must occur prior to consultation).

Review Requirements

A Biological Assessment (BA) must be prepared for activities that may affect a federally listed or proposed species.

Comments

This responds to Sections 7(a) and 7(c) of the Endangered Species Act. Section 7(a) requires consultation and conference with USFWS or NMFS when a federal action may affect federally listed or proposed endangered or threatened species to insure that any action authorized by a federal agency is not likely to jeopardize the continued existence of listed species or result in the destruction or adverse modification of critical habitat. The process is initiated by the federal agency after determining that the action may affect a listed species.

Section 7(c) requires federal agencies or their designees to prepare a BA for construction activities. The BA must be circulated to concerned agencies. The BA analyzes the effects of the action on listed and proposed species. The BA should be completed within 90 to 180 days after its initiation (or within such a time period as is mutually agreeable). If the BA is not initiated within 90 days of receipt of the species list, the accuracy of the species list should be formally verified with the USFWS. A Biological Opinion will be issued by USFWS and/or NMFS which may allow incidental "take" of protected species.

The NMFS is currently considering a proposal to list one or two anadromous fish species under the federal Endangered Species Act. If a listing is approved, a Section 7 consultation would occur concurrently with the Corps 404 permit application.

2.1.5 U.S. Bureau of Land Management (BLM)

2.1.5.1 Geothermal Sundry Notice

Permit Scheduling

This permit can be issued within about one week. Application should be made after certification of the Final EIR/EIS.

Permitting Requirements

An application and project plans must be submitted.

Comments

The Geothermal Sundry Notice is required by BLM if an existing geothermal well subject to federal regulation is to be converted to use as an injection well.

2.1.5.2 Geothermal Drilling Permit*Permit Scheduling*

This permit can be issued within about one week. Application should be made after certification of the Final EIR/EIS.

Permitting Requirements

An application, project plans, and the Final EIR/EIS must be submitted.

Comments

The Geothermal Drilling Permit is required if a new geothermal well is drilled for use as an injection well subject to federal regulation.

2.1.5.3 Right-of-Way*Permit Scheduling*

This permit can be issued within about two weeks. Application should be made after certification of the Final EIR/EIS.

Permitting Requirements

An application and project plans must be submitted.

Comments

A right-of-way is required from BLM if project facilities, such as pipelines, roads, or storage tanks, enter or cross over land owned or leased (on the surface) by BLM.

2.1.6 U.S. Environmental Protection Agency**2.1.6.1 UIC Group V Well Injection Permit***Permit Scheduling*

Refer to North Coast Regional Water Quality Control Board (NCRWQCB) Waste Discharge Requirements Permit (six months to one year) (Section 2.3.2.3).

Permitting Requirements

A short application form must be submitted.

Comments

A UIC Group V Well Injection Permit is required prior to injection of treated wastewater into wells. This permit is a short form that must be submitted to the EPA. The EPA generally defers to the Regional Water Quality Control Board (RWQCB) for enforcement of their Underground Injection Control Program. (See NCRWQCB).

2.2 STATE AGENCY PERMITS AND APPROVALS

2.2.1 California Department of Transportation (Caltrans)

2.2.1.1 Encroachment Permit

Permit Scheduling

Review of encroachment permits takes 60 days and approval cannot be given unless the final environmental document is submitted. The process can be expedited through a meeting which could occur as soon as routes are determined. This meeting may include a comparative cost estimate of using Caltrans rights-of-way versus non-Caltrans rights-of-way.

Permitting Requirements

A copy of the Final EIR/EIS must be submitted. Research information concerning cultural and historical resources and subsequent reports of related field work must be submitted to Caltrans for review.

Comments

An encroachment permit to use the Caltrans rights-of-way would be required for installation of transmission lines (pipeline corridors) along state freeways and roads. This encroachment permit would be issued by Caltrans District 04 after a review of the EIR/EIS. Access to Caltrans rights-of-way along freeways is more restrictive and approval of an encroachment permit is based on merits of the project. Caltrans would review proposed alternatives for potential effects to cultural and historical resources.

As a state agency, Caltrans' review process follows guidelines of the California Environmental Quality Act, including Appendix K, Archaeological Resources and Impacts. However, in situations where the project involves federal funds or permits issued by federal agencies, Caltrans will review projects for potential effects on cultural and historical resources in relation to federal regulations (i.e. Section 106 of the National Historic Preservation Act).

2.2.1.2 Transportation Permit

Permit Scheduling

A Transportation Permit can be obtained on the same day the application is submitted.

Permitting Requirements

An application must be submitted.

Comments

Transport of heavy or oversized loads on state roads during construction would require a Transportation Permit.

2.2.2 State Lands Commission (SLC)***2.2.2.1 Land Use Lease****Permit Scheduling*

For a Land Use Lease, the SLC would respond within six months of receiving a complete application.

Permitting Requirements

A location map, Status Determination Letter, and application must be submitted.

Comments

The requirement for a permit from the SLC depends on land ownership. SLC jurisdiction includes two areas: navigable waterways and school lands (former federal lands which were granted to the state school system). Permit applications are reviewed for potential effects to cultural and historical resources under the California Environmental Quality Act (Appendix K).

The SLC has established a two-step process for authorizing use of state-owned land. The first step entails submittal of a location map for a Status Determination. The SLC would identify any existing leases in the proposed location and, if the uses are compatible, would coordinate an agreement for shared use with existing leases. After an acceptable location is identified, a Status Determination Letter is issued by the SLC. Receipt of this letter is required prior to submittal of an application for a Land Use Lease. Submittal and review of an application is the final step in the process.

2.2.3 State Water Resources Control Board (SWRCB)***2.2.3.1 Water Rights Permit****Permit Scheduling*

The SWRCB normally requires six to twelve months to grant a water rights permit.

Permitting Requirements

An application and Final EIR/EIS must be submitted.

Comments

This permit is necessary to build a dam on a stream if no diversion structures are provided to route the natural streamflow around the reservoir. This may apply to reservoirs in small watersheds. If the streamflow is diverted around the reservoir, then there is no need for this permit. There is no minimum size of a stream for which this permit applies. It would be necessary to apply for the permit no matter how small or intermittent the current stream appears, as long as there are no structures to route streamflow around the reservoir. Potential effects on cultural and historical resources will be reviewed for both water rights and wastewater re-use areas.

2.2.3.2 Petition for Change*Permit Scheduling*

The length of time required to approve a Petition for Change depends upon the level of controversy. The duration of the review period ranges from one month to twelve months.

Permitting Requirements

If a change to a current point of discharge is proposed, an application needs to be filed with the SWRCB. The SWRCB also has review jurisdiction over the Draft EIR/EIS.

Comments

This permit applies only to wastewater and would allow the point of discharge to be changed. It is also necessary if the amount of wastewater discharged to the Russian River changes. All downstream users and interested agencies (e.g., State Department of Fish and Game) are allowed to comment on the application.

2.2.4 California Department of Water Resources, Division of Safety of Dams (DSOD)**2.2.4.1 *Approval of Plans and Specifications for the Construction or Enlargement of a Dam or Reservoir****Permit Scheduling*

DSOD has no statutory limitation on the time allowed to approve a permit, but six months is a reasonable review period for a straight forward project with all required data submitted at the time of application and with involvement of DSOD in the project during investigation and design.

Permitting Requirements

DSOD requires form DWR-3 "Application for approval of plans and specifications for the construction or enlargement of a dam or reservoir" along with supporting data.

Comments

Within 30 days after receipt of an application, DSOD informs the applicant that the application is complete or of the information necessary to make it complete.

2.2.5 California Occupational Safety and Health Administration (CalOSHA)**2.2.5.1 *Permits for Construction, Trenches, Excavations, and Demolition****Permit Scheduling*

Permits can be issued within one week. Permits are issued for various periods, including single use, annual (calendar year), and multi-use within a single project.

Permitting Requirements

The applicant must have a written Injury and Illness Prevention Program [Title 8, California Code of Regulations Section 3203 (8CCR3203)] that identifies safe and healthful work practices for the proposed work. In the case of excavations and trenching, the applicant must have a "competent person" [as defined in Title 29 Code of Federal Regulations Section 1926.650 (29CFR1926.650)] who is capable of identifying existing and predictable hazards in the area surrounding the excavation and who has authorization to take prompt corrective measures to eliminate such hazards.

Comments

Generally, CalOSHA requires permits for work that by its nature involves substantial risk of injury (8CCR341). Types of work that require a permit include: 1) construction of trenches or excavations that are five feet or deeper and into which a person is required to descend; 2) construction or demolition of any building, structure, scaffolding, or falsework more than three stories (36 feet) high; and 3) the underground use of diesel engines in working mines and tunnels.

Permit requirements do not apply to governmental bodies or to public utilities subject to the jurisdiction of the Public Utilities Commission. However, permits are required for contractors and subcontractors hired by governmental bodies.

2.2.6 California Coastal Commission

2.2.6.1 *Coastal Development Permit, Coastal Zone Development Permit, Consistency Determination*

Permit Scheduling

The permit application must be submitted after County approval of the project and after certification of the Final EIR/EIS. It is estimated that this permit could require about 12 weeks to obtain.

Permitting Requirements

Under certain circumstances (tidelands, submerged lands, lands held in public trust) within the Coastal Zone, the California Coastal Commission retains permitting authority. The Coastal Commission also has the authority to determine whether federal project activity in the Coastal Zone (including all federal permits) is consistent with state policies, and to determine appeals of local county coastal permits. In these cases, an application for Coastal Development Permit must be submitted, with the following information:

- Identification of all applicants;
- Project location and assessors parcel number;
- Detailed project description, including:
 - Nature of proposed development;
 - Present use of the property;
 - Estimated project cost;
 - Previous coastal development application numbers;
 - Height of the project, number of floors in the building, and gross structural area;
 - Lot area and lot coverages;
 - Parking facilities;
 - Utility extensions; and
 - Proximity to public roads.
- Description of the property, including:
 - Nearest coastal access point;
 - Grading and drainage plans; and
 - Discussion of project effects on public trust lands, recreation, agricultural land, sensitive habitat areas, views, and stream flows.
- Verification of applicant's interest (copy of tax bill or deed);
- Assessors Parcel Map;

- Materials for notification of nearby residents and other interested parties;
- Location map;
- Project plans, including site plans, floor plans, elevations, landscape plans, and septic system plans;
- Copies of environmental documents required by CEQA or NEPA;
- Geology and soils report for areas of high geologic hazard; and
- Biological survey, hydrologic mapping, or other appropriate reports for sensitive habitat areas, floodplains, or areas of important resources.

Comments

A Coastal Development Permit must be obtained from the Coastal Commission for any structures built below mean high water. It is unlikely that any such structures would be included in this project, but could potentially be required as mitigation.

A Coastal Zone Development Permit must be obtained for any structures built in the Coastal Zone. The Local Coastal Plan (LCP) designates the Coastal Zone, the width of which varies considerably. The Sonoma County Board of Supervisors grants such permits acting in their role as the enforcers of the LCP. This permit would be required if pipelines and irrigation systems were proposed within the Coastal Zone. Decisions made by the County Board of Supervisors may be appealed to the Coastal Commission.

In addition, the Federal Coastal Zone Management Act requires that all federal actions be consistent with any approved coastal plans or regulations. In this case, that means Corps actions must be consistent with the California Coastal Act and the Local Coastal Plan. Before the Corps can make its Record of Decision, it must submit a Consistency Determination to the Coastal Commission. This document is to show that all actions of the Corps are consistent. This process therefore applies not only to “development” along the coast, but to all actions that could indirectly impact coastal resources. The Coastal Commission must agree that the Corps action is “consistent” before the Corps can proceed. If a permit is required it is incumbent upon the applicant to obtain this authorization.

Applications are reviewed for potential effects to cultural resources. Chapter 3 of the Coastal Act of 1976, Public Resources Code, Section 30000 through Section 30244 deals specifically with cultural resources. After a review the Commission may require a field survey. Monitoring is often recommended as a general condition for ground disturbing activities.

2.2.7 California Department of Fish and Game (CDFG)

2.2.7.1 Streambed Alteration Agreement (Fish and Game Code of California Section 1601)

Permit Scheduling

Protective measures must be recommended by CDFG within 30 days following a completed notice (application). The Final EIR/EIS must be certified prior to issuing the agreement.

Permitting Requirements

Permitting requirements include: a CDFG field visit to the proposed project site; implementation of CDFG proposed project modifications and permit requirements; and a CDFG follow-up visit to the project site.

Comments

Streambed Alteration Agreements, issued by the CDFG, are required for crossings of rivers, streams, or lakes. The agreements stipulate measures that must be taken to mitigate the impact of construction activities in the waterway. Restrictions may be placed on the timing, duration, and extent of activities to minimize the potential disturbance to fish and wildlife resources.

2.2.7.2 Section 2081 Management Authorization and Memorandum of Understanding (MOU)

Permit Scheduling

Permit approval usually occurs within 26 weeks following certification of Final EIR/EIS.

Permitting Requirements

A Habitat Management Plan must be submitted.

Comments

If the proposed action is likely to adversely affect state endangered or threatened species or species proposed for state listing, the project proponent must consult with the CDFG. A Habitat Management Plan must be prepared to evaluate species impacts and identify mitigation measures that will minimize effects. CDFG may issue a Management Authorization and Memorandum of Understanding (MOU) allowing incidental “take” of state-protected species by the project applicant.

2.3 REGIONAL AGENCY PERMITS AND APPROVALS

2.3.1 Bay Conservation and Development Commission (BCDC)

2.3.1.1 Development Permit, Consistency Determination

Permit Scheduling

Minor administrative projects generally require two to six weeks to obtain a permit after filing of a complete application. Major projects require a public hearing before the BCDC and may require up to 3 months after the application's filing date for a Commission decision.

Permitting Requirements

To process an application, BCDC requires:

- Completion of CEQA documentation;
- Approval from applicable entities, including the SLC, CDFG, Corps, RWQCB, and local agencies; and
- Preliminary plans and construction details.

Comments

A Development Permit must be obtained from BCDC for any structures built in or near San Francisco Bay up to 5 feet above mean sea level.

Similar to the California Coastal Commission, the Federal Coastal Zone Management Act requires that all federal actions be consistent with any approved coastal plans or regulations. In this case, that means Corps actions must be consistent with the Bay Conservation and Development Plan. Before the Corps can make its Record of Decision, it must submit a Consistency Determination to BCDC. This process applies not only to "development" along the coast, but to all actions that could indirectly impact coastal resources, excluding development on Diked Historic Bay Lands. BCDC must agree that the Corps action is "consistent" before the Corps can proceed. If a permit is required, it is incumbent upon the applicant to obtain authorization.

2.3.2 North Coast Regional Water Quality Control Board (NCRWQCB) and San Francisco Bay Regional Water Quality Control Board.

2.3.2.1 Point Source National Pollutant Discharge Elimination System Permit for Discharge from a Publicly Owned Treatment Works (POTW).

Permit Scheduling

The National Pollutant Discharge Elimination System (NPDES) permit is estimated to require about six to seven months to obtain.

Permitting Requirements

The application for an NPDES permit typically consists of EPA forms and a narrative portion that includes a description of new and existing treatment and disposal facilities and summarizes their performance, proposed flow and quality requirements for irrigation and surface discharge, as well as plans for the operation, maintenance, and monitoring of the system.

New permit requirements would be set by the Regional Board(s) on the basis of: 1) EPA's water quality criteria and guidelines; and 2) requirements of the applicable Basin Plan or other plans such as the Ocean Plan (OP), Inland Surface Waters Plan (ISWP), or Enclosed Bays and Estuaries Plan (EBEP) that may be in effect. The ISWP and EBEP have been invalidated by a California Superior Court, and the SWRCB is currently developing replacement plans.

Comments

The discharge of reclaimed water (treated municipal wastewater) to waters of the U.S. is regulated by the EPA under the Federal Clean Water Act and by the SWRCB under the California Porter-Cologne Water Quality Control Act. In California, the EPA has delegated authority to grant NPDES Permits to the SWRCB. The SWRCB sets guidelines for the Regional Water Quality Control Boards, which are responsible for preparing Basin Plans for their areas and for granting individual discharge permits.

The NCRWQCB has jurisdiction over the current Subregional System area and will have jurisdiction over disposal/re-use in watersheds from Stemple Creek northward. The SFBRWQCB has jurisdiction over disposal/re-use in watersheds that drain to San Francisco Bay or Tomales Bay.

The EPA reviews and has discretionary approval authority for all NPDES permits issued by Regional Boards in the State. The NOAA, State Department of Health Services, and CDFG will review and comment to the Regional Boards on the waste discharge requirements.

2.3.2.2 General Construction Stormwater NPDES Permit

Permit Scheduling

A permit must be obtained prior to construction.

Permitting Requirements

Dischargers must submit a Notice of Intent (NOI) and annual fee to obtain coverage under the General Construction Stormwater NPDES Permit.

Comments

The General Stormwater NPDES Permit requires all discharges to:

- eliminate or reduce non-stormwater discharges to storm sewers and waters of the U.S.;
- develop and implement a Stormwater Pollution Prevention Plan (SWPPP); and
- perform inspections of SWPPP measures (control practices).

Compliance with the terms of the existing General Stormwater NPDES Permit is required for all stormwater discharges when clearing, grading, and excavation result in a land disturbance of five or more acres.

2.3.2.3 Waste Discharge Requirements

Permit Scheduling

Permit approval generally takes about six months to one year.

Permitting Requirements

An application must be submitted and should incorporate the Final EIR/EIS and technical reports by reference.

Comments

Waste Discharge Requirements are set by the Regional Boards for discharge of reclaimed water on land. An NPDES permit and Waste Discharge Requirements are necessary for implementation of the South County, West County, and River Discharge Alternatives. Only Waste Discharge Requirements are needed to implement the Geysers Alternative. The application for Waste Discharge Requirements is typically submitted with the NPDES permit application, and the two permits are included in the same RWQCB order.

2.3.2.4 Section 401 Water Quality Certification

Permit Scheduling

The review period is three months after submittal of a completed application.

Permitting Requirements

The 401 Water Quality Certification requires an alternatives analysis which will be satisfied by the Alternatives discussion in the EIR/EIS and in the Alternatives Analysis completed for the Corps.

Comments

Federal Clean Water Act Section 401 requires the appropriate Regional Board to certify that water quality would not be adversely affected by the proposed fill activity to be permitted by the Corps under Section 404. The Corps may not issue a Section 404 permit without a 401 certification or a waiver of certification that the discharge complies with state water quality standards. Standards may be numeric or narrative. If the state does not take action within a certain period of time, the Corps can assume a waiver of water quality certification. The primary concerns on the part of the Regional Boards will be handled simultaneously with the NPDES and Waste Discharge Requirements mentioned above.

2.3.3 Bay Area Air Quality Management District (District)

2.3.3.1 Authority to Construct and Permit to Operate

Permit Scheduling

The District permitting process can be lengthy (on the order of a year), depending on the level of emissions of criteria pollutants. The District permitting process can run concurrently with the EIR/EIS process.

Permitting Requirements

If the project is judged to be a major facility, it would be subject to Prevention of Significant Deterioration (PSD) rules. Projects may also be subject to reporting under Toxic Hot Spots legislation (AB2588).

As part of the permitting process, increases in hazardous air pollutants related to the project, could trigger a review under the District's Toxic Air Contaminant policy. This review may entail a risk assessment and incorporation of Best Available Control Technology (BACT) for toxic air pollutants into the project design.

Should project-related VOC or NO_x emissions cause increases beyond certain threshold levels, offsets and/or control to limit emissions may be needed as part of the permitting process.

Lastly, should facility emissions exceed 100 tons per year of criteria pollutants, 10 tons per year of any hazardous air pollutant, or 25 tons per year of any combination of hazardous air pollutants, the facility would be subject to requirements of the new (Title V) federal operation permits program.

Comments

The Authority to Construct and Permit to Operate is required for any project that emits criteria pollutants. Several criteria pollutants must be evaluated before issuance of the permits. If emissions from a project source increase the emissions of particular compounds, the applicant may be subject to requirements for BACT.

2.4 COUNTY AND CITY AGENCY PERMITS AND APPROVALS

2.4.1 Sonoma County Permit and Resource Management Department

2.4.1.1 Coastal Zone Development Permit

Permit Scheduling

It is estimated that this permit could require about four months to obtain after certification of the Final EIR/EIS.

Permitting Requirements

A Planning Application, with indemnification agreement must be submitted. The submittal must include:

- Assessors Parcel Maps;
- Materials for notification of nearby residents and other interested parties;
- Site plan;
- Elevations and sections cuts of all proposed structures;
- Grading and drainage plans;
- Geology and soils report for areas of high geologic hazard; and
- For wetlands and estuaries, amount of material to be filled or dredged, and location of dredge disposal site.

Comments

A Coastal Zone Development Permit must be obtained for any structures built in the Coastal Zone. The Local Coastal Plan (LCP) designates the Coastal Zone, the width of which varies considerably. The Sonoma County Board of Supervisors grants such permits acting in their role as the enforcers of the LCP. This permit would be required if pipelines or irrigation systems were proposed within the Coastal Zone. Decisions made by the County Board of Supervisors may be appealed to the Coastal Commission.

2.4.1.2 Subdivision or Merger of Parcels

Permit Scheduling

If the City does a voluntary merger of lands within the County, the permit process will require approximately two weeks. If the City decides to subdivide a parcel of land, the process would require four to six months.

Permitting Requirements

A Planning Application, with indemnification agreement must be submitted. Then depending on the type of subdivision the following information is required:

Minor Subdivision (four or fewer lots)

A Supplemental Application must be submitted with the following items:

- Assessors Parcel Map;
- USGS quad map with site shown;
- Three copies of full-size tentative map;
- Copy of reduced tentative map (page size);
- Copy of recorded deed; and
- Copy of a fire protection/prevention plan and water storage location.

Major Subdivision (five or more lots)

A Supplemental Application must be submitted with the following items:

- Assessors Parcel Map;
- USGS quad map with site shown;
- Three transparencies (sepia) and 20 blue- or black-line copies of full-size tentative map;
- Copy of reduced tentative map (page size);
- Copy of recorded deed;
- Copy of a fire protection/prevention plan and water storage location;
- Statement, prepared by a Civil Engineer, as to soil conditions and need for soil report or soil investigation prior to filing of final map;
- Letters from appropriate agencies concerning provision of adequate sewerage disposal (not required if within a County Sanitation District) and water supply;
- Waiver of processing time form (required if additional environmental review is necessary, or if processed concurrently with rezoning application);
- Statement accompanying the tentative map, including:
 - Existing and proposed use of the property;
 - Existing zoning;
 - Detailed statement of proposed improvements and public utilities,
 - Provision for proposed drainage and flood control measures, park and recreation services, schools, and other needed public area, and
 - Restrictive covenants, if proposed.
- Calculations showing total acreage of site and number of lots, minimum and average lot size, and gross and net acreage.

Voluntary Merger of Parcels

A Supplemental Application must be submitted with the following:

- Notice of Voluntary Merger.

Comments

If the City purchases property, it may need to merge or subdivide parcels.

2.4.1.3 Use Permit*Permit Scheduling*

Three to four months is required for permit processing.

Permitting Requirements

A Planning Application, with indemnification agreement, must be submitted. A Supplemental Application must also be submitted with the following information:

- Assessors Parcel Map;
- USGS quad map with site shown;
- Copy of site plan; and
- Copy of a proposal statement, including:
 - Existing and proposed uses of the property;
 - Information regarding the kind, magnitude, intensity and frequency of use;
 - Production capacity, if applicable;
 - Changes in noise, traffic, and site appearance resulting from the proposal; and
 - Future planned use beyond the present proposal.

Comments

The project is exempt from general plan consistency and land use permits from the County if the City of Santa Rosa develops a facility on City-owned land. Permitting through the County of the facility may be required if facilities are proposed on leased land from the County. Geothermal wells, pipelines, and associated facilities (e.g. pumpstations) within the County would require a Use Permit.

2.4.1.4 Well Drilling Permit (all wells)*Permit Scheduling*

Permit processing would require about one to two weeks.

Permitting Requirements

An application must be submitted.

Comments

This permit is required for the construction or destruction of all wells in Sonoma County. The permit application must be filed by the drilling contractor.

2.4.1.5 Cancellation of Williamson Act Contract*Permit Scheduling*

Cancellation of Williamson Act Contracts take about two to three months.

Permitting Requirements

A notice of nonrenewal must be filed with the State Department of Conservation Office of Land Conservation. A petition must be filed with the County. The petition must include a specific alternative land use for the property and a list of all government agencies known to have permit authority. Additionally, notice must be provided to all landowners with land under Williamson Act contract within one mile of the exterior boundary of the project. The Department of Conservation must be notified at least 10 days prior to the public hearing and provided with the petition for cancellation.

Prior to the County approving the petition, the county assessor must determine the fair market value of the property (without the Williamson Act contract restriction).

Comments

The Sonoma County Board of Supervisors must approve the non-renewal of any Williamson Act Contract. After their approval, the remaining 10-year term of the Contract will continue. Only after 10 years will the contract expire. If necessary, the County can agree to cancellation of the contract effective immediately, although this process is more involved and time-consuming.

2.4.1.6 Road Encroachment Permit*Permit Scheduling*

For an Encroachment Permit involving a single crossing, approval is usually granted within one to two months. Multiple crossings may require a longer processing period.

Permitting Requirements

An application, project plans, bond, and insurance are required to receive a permit.

Comments

A road encroachment permit is required for new transmission, water, or gas line crossings, or construction on or across county roads.

2.4.2 Sonoma County Public Works Department

2.4.2.1 Grading Permit

Permit Scheduling

It takes approximately two months to receive a grading permit.

Permitting Requirements

Grading, drainage, mining, lighting, landscaping, tree removal and erosion control plans must be submitted.

Comments

Grading Permits from the County must be obtained for grading, drainage, and erosion control plans and details. The grading plan may also include review and approval of mining plan for borrow area fill materials and disposal site plans for excess soil.

The Permit and Resource Management Department is also responsible for reviewing lighting, landscaping, and tree removal plans (for any significant trees, typically over 12 inches in diameter, but may vary).

2.4.2.2 Transportation Permit

Permit Scheduling

Transportation permits can be issued over the counter (one day).

Permitting Requirements

An application must be submitted.

Comments

A Transportation Permit is required for the transport of heavy or oversized loads on county roads.

2.4.3 Airport Land Use Commission (Sonoma County)

2.4.3.1 Land Use Approval

Permit Scheduling

Land use approval could take up to one month.

Permitting Requirements

The Airport Land Use Commission (Commission) does not have permitting authority. Items within their jurisdiction are referred to the Commission and reviewed within the overall County permit application process.

Comments

If the project requires a General Plan Amendment, the Commission must review the proposed amendment for consistency with the Airport Land Use Plan. If the Commission votes not to approve the General Plan Amendment, it takes a two-thirds vote of the County Board of Supervisors to override the decision.

2.4.4 Marin County Public Works Department***2.4.4.1 Road Encroachment Permit****Permit Scheduling*

For an Encroachment Permit involving a single crossing, approval is usually obtained within one to two months. Multiple crossings may require a longer processing period.

Permitting Requirements

An application, project plans, bond, and insurance are required to receive a permit.

Comments

A road encroachment permit is required for new transmission, water, or gas line crossings, or construction on or across county roads.

2.4.4.2 Transportation Permit*Permit Scheduling*

Transportation permits can be issued over the counter (one day).

Permitting Requirements

An application is required.

Comments

A transportation permit is required for the transport of heavy or oversized loads on county roads.

2.4.5 City of Santa Rosa Public Works Department

2.4.5.1 Encroachment Permit

Permit Scheduling

An Encroachment Permit can usually be obtained in one to two months.

Permitting Requirements

An application, project plans, bond, and insurance are required to receive a permit.

Comments

A road encroachment permit is required to use the City's rights-of-way for installation of pipeline along roadways.

2.4.5.2 Transportation Permit

Permit Scheduling

Transportation permits can generally be obtained over the counter (one day).

Permitting Requirements

An application is required.

Comments

A transportation permit would be required for the transport of any overweight or oversized loads on city streets.

2.4.5.3 Building, Street Improvement, and Grading Permits

Permit Scheduling

The City would go through a plan check at 90% design completion, and a final review at 100% completion. This review takes about two months for 90% completion (final review) and one month for final review, depending on the amount of correction.

Permitting Requirements

90% Plan Check and 100% Plan Check are required.

Comments

Conformance with adopted building codes, sewer capacity review, and domestic water system review will be analyzed according to the Uniform Building Code.

A review of any off-site street improvements is required and will be analyzed according to the City ordinances. A grading permit is required for certain grading activities if the work is conducted prior to obtaining a building permit. The City ordinances will be considered the authority for issuance of such grading permits.

2.4.6 City of Santa Rosa Fire Department

2.4.6.1 *Hazardous Materials Management Plan (HMMP), Hazardous Materials Storage Permit (HMSP), and Hazardous Materials Inventory (HMI)*

Permit Scheduling

The permit process usually occurs during or at the completion of the construction phase.

Permitting Requirements

A updated HMMP, HMSP, and HMI are required.

Comments

If the project results in an increase in the quantity of hazardous materials that are stored at the Laguna Wastewater Treatment Plant, the HMMP, HMSP, and HMI should be updated to reflect the change. Approval to store hazardous materials during construction may be required if quantities exceed threshold levels.

2.4.7 City of Cotati Public Works Department

2.4.7.1 *Encroachment Permit*

Permit Scheduling

The permit can usually be obtained within one to two months.

Permitting Requirements

An application, project plans, bond, and insurance are required to receive a permit.

Comments

A road encroachment permit is required to use City rights-of-way for installation of pipeline along roadways. The Encroachment Permit is issued administratively.

2.4.7.2 *Transportation Permit*

Permit Scheduling

Transportation permits can generally be obtained over the counter (one day).

Permitting Requirements

An application is required.

Comments

A transportation permit would be required for the transport of any overweight or oversized loads on city streets.

2.4.8 City of Sebastopol Public Works Department***2.4.8.1 Encroachment Permit****Permit Scheduling*

The permit can usually be obtained within one to two months.

Permitting Requirements

An application, project plans, bond, and insurance are required to receive a permit.

Comments

A road encroachment permit is required to use City rights-of-way for installation of pipeline along roadways.

2.4.8.2 Transportation Permit*Permit Scheduling*

Transportation permits can generally be obtained over the counter (one day).

Permitting Requirements

An application is required.

Comments

A transportation permit would be required for the transport of any overweight or oversized loads on city streets.

2.4.9 City of Sebastopol Building Department***2.4.9.1 Building Permit****Permit Scheduling*

After the final design stage, up to two months may be required to obtain a building permit.

Permitting Requirements

Project plans must be submitted.

Comments

The City of Sebastopol will require a permit for pipelines, but no formal application process is necessary. The City Engineer should be contacted once the plans are ready for submittal. A plan check will probably take two to four weeks. No fees are required. No permits are required for oversized vehicles on City streets. Heavy equipment is restricted on certain local streets. The police department should be notified of the streets on which heavy equipment is proposed to travel.

2.4.10 City of Rohnert Park Public Works Department**2.4.10.1 *Encroachment Permit****Permit Scheduling*

The permit can usually be obtained within one to two months.

Permitting Requirements

An application, project plans, bond, and insurance are required to receive a permit.

Comments

A road encroachment permit is required to use City's rights-of-way for installation of pipeline along roadways.

2.4.10.2 *Transportation Permit**Permit Scheduling*

Transportation permits can generally be obtained over the counter (one day).

Permitting Requirements

An application is required.

Comments

A transportation permit would be required for the transport of any overweight or oversized loads on City streets.

SECTION 3 - ALTERNATIVES

This section shows the proposed permits required for each alternative. Chapter 2 delineated out the most probable permits that would be required for all of the alternatives.

3.1 ALTERNATIVE 1 - NO PROJECT ALTERNATIVE

There are no permitting requirements for the No Project Alternative. However, the City would be out of compliance with its existing Regional Water Quality Control Board Permit.

3.2 ALTERNATIVE 2 - SOUTH COUNTY ALTERNATIVE

Table 3 identifies the permits that would be required in Alternative 2 was selected.

Table 3

Required Permits - Alternative 2

Agencies	Permits
Federal Agency Permits and Approvals	
Department of the Army (DA)	Section 404 Permit Section 10 Permit
Advisory Council on Historic Preservation/State Office of Historic Preservation	Section 106 Review and Compliance
U.S. Fish and Wildlife Service/National Marine Fisheries Service	Section 7 Consultation
U.S. EPA	UIC Group V Well Injection Permit
State Agency Permits and Approvals	
California Department of Transportation	Encroachment Permits, Transportation Permits
State Water Resources Control Board	Water Rights Permit Petition for Change
California Department of Water Resources, Division of Safety of Dams	Approval of plans and specifications for the Construction or Enlargement of a dam or a reservoir.
California Occupational Safety and Health Administration	Permits for construction, trench excavations, and demolition
California Department of Fish and Game	Streambed Alteration Agreement Section 2801 Management Agreement
Regional Agency Permits and Approvals	
Bay Conservation and Development Commission	Development Permit

	Consistency Determination
North Coast Regional Water Quality Control Board and San Francisco Bay Regional Water Quality Control Board	Point Source National Pollutant Discharge Elimination System (NPDES) Permit for discharge from a Publicly Owned Treatment Works General Construction Stormwater NPDES Permit Waste Discharge Permit Section 401 Water Quality Certification
Bay Area Air Quality Management District	Authority to Construct and Permit to Operate
County and City Agency Permits and Approvals	
Sonoma County Permit and Resource Management Department	Subdivision or merger of parcels Use Permit Well Drilling Permit Cancellation of Williamson Act Contracts Road Encroachment Permits
Sonoma County Public Works	Grading Permit Transportation Permit
Airport Land Use Commission (Sonoma County)	Land Use Approval
City of Santa Rosa Public Works Department	Encroachment Permit Transportation Permit Building Permit Street Improvement Permit Grading Permit
City of Santa Rosa Fire Department	Hazardous Material Management Plan Hazardous Material Storage Permit Hazardous Materials Inventory
City of Cotati Public Works Department	Encroachment Permit Transportation Permit
City of Rohnert Park Public Works Department	Encroachment Permit Transportation Permit

3.3 ALTERNATIVE 3 - WEST COUNTY ALTERNATIVE

Table 3 identifies the permits that would be required in Alternative 3 was selected.

Table 4

Required Permits - Alternative 3

Agencies	Permits
Federal Agency Permits and Approvals	
Department of the Army (DA)	Section 404 Permit Section 10 Permit
Advisory Council on Historic Preservation/State Office of Historic Preservation	Section 106 Review and Compliance
U.S. Fish and Wildlife Service/National Marine Fisheries Service	Section 7 Consultation
National Oceanic and Atmospheric Administration (NOAA)	Review of the DA Section 404 Permit
U.S. EPA	UIC Group V Well Injection Permit
State Agency Permits and Approvals	
California Department of Transportation	Encroachment Permits, Transportation Permits
State Water Resources Control Board	Water Rights Permit Petition for Change
California Department of Water Resources, Division of Safety of Dams	Approval of plans and specifications for the Construction or Enlargement of a dam or a reservoir.
California Occupational Safety and Health Administration	Permits for construction, trench excavations, and demolition
California Department of Fish and Game	Streambed Alteration Agreement Section 2801 Management Agreement
California Coastal Commission	Coastal Development Permit Coastal Zone Development Permit Consistency Determination
Regional Agency Permits and Approvals	
Bay Conservation and Development Commission	Development Permit Consistency Determination
North Coast Regional Water Quality Control Board and San Francisco Bay Regional Water Quality Control Board	Point Source National Pollutant Discharge Elimination System (NPDES) Permit for discharge from a Publicly Owned Treatment Works General Construction Stormwater NPDES Permit Waste Discharge Permit Section 401 Water Quality Certification
Bay Area Air Quality Management District	Authority to Construct and Permit to Operate

County and City Agency Permits and Approvals	
Sonoma County Permit and Resource Management Department	Coastal Zone Development Permit Subdivision or merger of parcels Use Permit Well Drilling Permit Cancellation of Williamson Act Contracts Road Encroachment Permits
Sonoma County Public Works	Grading Permit Transportation Permit
Airport Land Use Commission (Sonoma County)	Land Use Approval
City of Santa Rosa Public Works Department	Encroachment Permit Transportation Permit Building Permit Street Improvement Permit Grading Permit
City of Santa Rosa Fire Department	Hazardous Material Management Plan Hazardous Material Storage Permit Hazardous Materials Inventory
Marin County Public Works Department	Encroachment Permit Transportation Permit
City of Sebastopol Public Works Department	Encroachment Permit Transportation Permit Building Permit
City of Rohnert Park Public Works Department	Encroachment Permit Transportation Permit

3.4 ALTERNATIVE 4 - GEYSER ALTERNATIVE

Table 3 identifies the permits that would be required in Alternative 4 was selected.

Table 5

Required Permits - Alternative 4

Agencies	Permits
Federal Agency Permits and Approvals	
Department of the Army (DA)	Section 404 Permit
Advisory Council on Historic Preservation/State Office of Historic Preservation	Section 106 Review and Compliance
U.S. Fish and Wildlife Service/National Marine Fisheries Service	Section 7 Consultation
National Oceanic and Atmospheric Administration (NOAA)	Review of the DA Section 404 Permit
U.S. Bureau of Land Management (BLM)	Geothermal Sundry Permit Geothermal Drilling Permit Right-of-Way
U.S. EPA	UIC Group V Well Injection Permit
State Agency Permits and Approvals	
California Department of Transportation	Encroachment Permits Transportation Permits
State Land Commission	Land Use Lease
California Occupational Safety and Health Administration	Permits for construction, trench excavations, and demolition
California Department of Fish and Game	Streambed Alteration Agreement Section 2801 Management Agreement
Regional Agency Permits and Approvals	
North Coast Regional Water Quality Control Board and San Francisco Bay Regional Water Quality Control Board	Point Source National Pollutant Discharge Elimination System (NPDES) Permit for discharge from a Publicly Owned Treatment Works General Construction Stormwater NPDES Permit Waste Discharge Permit Section 401 Water Quality Certification
Bay Area Air Quality Management District	Authority to Construct and Permit to Operate
County and City Agency Permits and Approvals	
Sonoma County Permit and Resource Management Department	Subdivision or merger of parcels Use Permit Well Drilling Permit Road Encroachment Permits

Sonoma County Public Works	Grading Permit Transportation Permit
Airport Land Use Commission (Sonoma County)	Land Use Approval
City of Santa Rosa Public Works Department	Encroachment Permit Transportation Permit Building Permit Street Improvement Permit Grading Permit
City of Santa Rosa Fire Department	Hazardous Material Management Plan Hazardous Material Storage Permit Hazardous Materials Inventory
City of Rohnert Park Public Works Department	Encroachment Permit Transportation Permit

3.5 ALTERNATIVE 5 - 20% RUSSIAN RIVER DISCHARGE

Table 3 identifies the permits that would be required in Alternative 5 was selected.

Table 6

Required Permits - Alternative 5

Agencies	Permits
Federal Agency Permits and Approvals	
Department of the Army (DA)	Section 404 Permit (Nationwide)
Advisory Council on Historic Preservation/State Office of Historic Preservation	Section 106 Review and Compliance
U.S. Fish and Wildlife Service/National Marine Fisheries Service	Section 7 Consultation
National Oceanic and Atmospheric Administration (NOAA)	Review of the DA Section 404 Permit
State Agency Permits and Approvals	
State Water Resources Control Board	Petition for Change
California Occupational Safety and Health Administration	Permits for construction, trench excavations, and demolition
California Department of Fish and Game	Streambed Alteration Agreement Section 2801 Management Agreement
Regional Agency Permits and Approvals	
North Coast Regional Water Quality Control Board and San Francisco Bay Regional Water Quality Control Board	Point Source National Pollutant Discharge Elimination System (NPDES) Permit for discharge from a Publicly Owned Treatment Works General Construction Stormwater NPDES Permit Waste Discharge Permit Section 401 Water Quality Certification
Bay Area Air Quality Management District	Authority to Construct and Permit to Operate
County and City Agency Permits and Approvals	
Sonoma County Permit and Resource Management Department	Subdivision or merger of parcels Use Permit Road Encroachment Permits
Sonoma County Public Works	Grading Permit Transportation Permit
Airport Land Use Commission (Sonoma County)	Land Use Approval
City of Santa Rosa Public Works Department	Encroachment Permit Transportation Permit Building Permit Street Improvement Permit Grading Permit

City of Santa Rosa Fire Department	Hazardous Material Management Plan Hazardous Material Storage Permit Hazardous Materials Inventory
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