

PERMIT REQUIREMENTS FOR DEVELOPMENT OF ENERGY  
AND OTHER SELECTED NATURAL RESOURCES FOR THE  
STATE OF CALIFORNIA

PREPARED FOR  
FOUR CORNERS REGIONAL COMMISSION  
AND THE  
U.S. GEOLOGICAL SURVEY

BY CAMP DRESSER AND MCKEE, INC.

Statements of opinion and/or recommendations are those of the authors and do not necessarily reflect the official opinion of the Four Corners Regional Commission, any of its members States, or the U.S. Geological Survey.

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Office of Planning and Research		Environmental Affairs Office
1400 10th Street, Room 121	or	760 National Center
Sacramento, California 95814		Reston, Virginia 22092

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STATE PERMIT REQUIREMENTS FOR DEVELOPMENT OF  
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## SECTION 1.0

### INTRODUCTION

## INTRODUCTION

This guidebook\* is one of a series prepared for every State. The purpose of the guidebook is to summarize environmental and land-use permits issued by the State for the development of energy and other natural resources. The guidebook is intended not only for private developers and interest groups, but also for regulatory officials of Federal, State, and local government as well.

All State agencies having jurisdiction over the permits, licenses, and approvals described in this guidebook helped to prepare it, and they reviewed the final draft of each summary for accuracy and completeness. Users of this guidebook should be aware, however, that changes in the laws, rules and regulations, or regulatory personnel since the guidebook was published may cause significant changes in permit requirements.

The guidebook should not be construed as a legal document or a final authority on permits for the State of California, it is not intended to be a comprehensive reference to the specific requirements of each permit, but to provide concise, easy-to-use information on the State regulations that govern the development of such resources. Before attempting to obtain a permit or begin any activity that might require a permit, you should contact the appropriate State agency for further details.

The guidebook is divided into seven sections. Sections 1.0, 2.0, and 7.0 discuss introductory information, consolidated permit programs for the State of California, and local regulatory policies, respectively. The remaining sections discuss permits that apply to Resource Extraction, Land Use

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\*A more comprehensive guidebook prepared by the State of California entitled "California Permit Handbook" is available from the California Office of Permit Assistance, 1400 10th Street, Sacramento, CA 95814, (916) 445-0613.

Regulation, Environmental Quality Management, and Social/Ecological Preservation. Each section is divided into chapters; each chapter summarizes one permit, license, or approval. Permits administered by a single agency are generally grouped together in each section.

Each permit is discussed in the standard format shown on pages 3 and 4.



## STANDARD FORMAT FOR PERMIT SUMMARIES

### CHAPTER 0.0

#### TITLE OF ACTIVITY ADDRESSED BY PERMIT, LICENSE OR APPROVAL

#### INTRODUCTION

Description of administering agency and its role

A. NAME OF PERMIT OR APPROVAL:

Complete name of permit or approval with notation indicating mandate by state (S) or federal (F) government

B. STATUTORY AUTHORITY:

Title of state statutes authorizing permit and the legal citations of each

C. TITLE OF REGULATION:

Title of state regulation(s) which apply to permit

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

Summary of major steps involved in the permit/approval process

1. Applicability

Includes all types of activities which require the permit

2. General Requirements

Conditions which must be met by the project sponsor before a permit can be acquired; excluding Submissions or Operations Requirements

3. Submission Requirements

Types of information which the project sponsor must include in the application for the permit

## CHAPTER 0.0 (concluded)

### 4. Procedures for Obtaining Permit or Approval

Includes information on items such as submittal procedures, completeness and technical review, public notice, comment and hearing periods, preliminary and final decisions, inspections, and processing times

### 5. Operations Requirements

Conditions which are established by the regulatory agency following permit approval and which must be met by the project sponsor in order to continue operations

### 6. Fees

Costs incurred for obtaining and maintaining the permit

### 7. Appeal Process

Process whereby decisions concerning permit approval/denial that are made by a regulatory agency can be appealed

## E. ADMINISTERING AGENCY:

Name of the administering agency, address, and telephone number.

Name of the counterpart federal agency, address, and telephone number.

## SECTION 2.0

### STATE POLICY AND PROCEDURES FOR CONSOLIDATED PERMIT PROGRAM

CHAPTER 2.1  
STATE CLEARINGHOUSE OR PERMIT ASSISTANCE AGENCY

The Office of Permit Assistance, part of the Office of Planning and Research, assists the public, developers, and government agencies to identify permits needed for each project, to monitor agencies' deadlines, and to resolve disputes whenever necessary. The Permit Streamlining Act (1977) gave the statutory authority for establishment of the the Office of Permit Assistance. The Office of Permit Assistance works with applicants and agencies to schedule reviews so that the deadlines are met, particularly in the case of complex projects involving many agencies. When regulatory agencies must have more than one environmental study or document for a project, the Office of Permit Assistance coordinates the preparation of a joint environmental document. It also acts as the State's center for general information on the permit process.

Office of Permit Assistance  
1400 10th Street  
Sacramento, CA 95814  
(916) 445-0613

## CHAPTER 2.2

### STATE EQUIVALENT OF NEPA

Before a public agency can make a decision on a project that may affect the environment, the agency must comply with the California Environmental Quality Act (CEQA). CEQA requires agencies to consider the possible environmental effects of the proposed project, alternatives to the proposal, and measures to mitigate the project's effects. One public agency must assume the role of lead agency in the preparation of an environmental document which all reviewing agencies can use in their evaluation of the project. Once a permit application is accepted, the lead agency prepares an "initial study" of the possible environmental impacts of the project. If the initial study indicates that a project may have significant environmental impacts, the lead agency prepares an environmental impact report (EIR). If the initial study concludes that there will be no significant environmental effects, the lead agency prepares a Negative Declaration as documentation of this finding. Although the CEQA process emphasizes coordination among all agencies, decisions made by the lead agency (whether to prepare a Negative Declaration or EIR) are binding for all other agencies involved.

Several classes of projects are exempt from the CEQA review process because, by their nature, they will have no significant effect on the environment. A complete list of categorically exempt classes appears in Title 14 of the California Administrative Code, under the common title of State EIR Guidelines.

SECTION 3.0  
RESOURCE EXTRACTION

## CHAPTER 3.1

### OIL, GAS, OR GEOTHERMAL WELLS

#### INTRODUCTION

Oil, Gas, or Geothermal Well Permits are issued by the Division of Oil and Gas within the Department of Conservation. The Division is responsible for ensuring that proposed projects comply with applicable laws and regulations and will not cause loss or damage to human life, to the environment, and to energy resources being explored.

#### A. NAME OF PERMIT OR APPROVAL:

- Oil, Gas, or Geothermal Well Permit (S)

#### B. STATUTORY AUTHORITY:

- California Public Resources Code, Section 3200 et seq.

#### C. TITLE OF REGULATION:

- California Administrative Code, Title 14, Division 2

#### D. SUMMARY OF PERMIT/APPROVAL PROCESS:

- Completed Notices of Intention for oil, gas, or geothermal projects are submitted to the appropriate District Deputy for review and approval.
- Length of time required for decisions depends upon the type of project and the possible preparation of an environmental impact report (EIR).

#### 1. Applicability

- Required for drilling, reworking, or abandoning of an oil, gas, or geothermal well.

#### 2. General Requirements

- Applicants filing a Notice of Intention to Drill or Rework a well must also file an indemnity bond with the Division.

## CHAPTER 3.1 (continued)

### 3. Submission Requirements

- Information on "Notice of Intention" form: data on the applicant and organization, location and description of well (name, number, depth, and casing program), and description of proposed work.

### 4. Procedures for Obtaining Permit or Approval

- Applicant submits completed Notices of Intention for oil, gas, or geothermal projects to the District Deputy at the appropriate district office.
- Proposed activity is evaluated and well sites are inspected.
- If project is approved, Division will forward permit ("P-Report") to applicant within 10 working days.
- For geothermal exploratory projects, applications must be processed within 135 days after filing.
- If the Division must prepare an EIR for geothermal, oil or gas wells, it has 360 days to process the application after its filing.

### 5. Operations Requirements

- Project sponsors must abide by all conditions of the P-Report and allow representatives from the Division to inspect equipment.
- Owner/Operator must file complete records of all activities with the District Deputy or Geothermal Unit in the appropriate district office.
- Producers must file monthly production reports with the Division.

### 6. Fees

- Application fees for geothermal operations ranges from \$25 to \$1,000.
- No application fees for oil or gas drilling.

### 7. Appeal Process

- Applicants for oil and gas permits may appeal to the Director of the Department of Conservation.
- Applicants for geothermal projects may appeal decisions to the Geothermal Resources Board.



## CHAPTER 3.1 (concluded)

### E. ADMINISTERING AGENCY:

Applications for permits for oil and gas operations must be submitted to the district office of the Division of Oil and Gas in the area of the project site. Applications for permits for geothermal wells should be sent to the appropriate geothermal district office. To find out which district office has jurisdiction over the proposed project, the following agency should be contacted:

- Division of Oil and Gas  
Department of Conservation  
1310 Resources Building  
1416 9th Street  
Sacramento, CA 95814  
(916) 445-9686

Federal Agency:

- None identified.

## CHAPTER 3.2

### GEOHERMAL EXPLORATION OR PROSPECTING

#### INTRODUCTION

The State Lands Commission issues geothermal exploration or prospecting permits to provide for the orderly and controlled exploration of geothermal energy resources located on state lands. Proposed projects are evaluated by the Commission since it is responsible for managing state-owned lands in the best interest of the people of California.

A. NAME OF PERMIT OR APPROVAL:

- Geothermal Exploration or Prospecting Permit (S)

B. STATUTORY AUTHORITY:

- California Public Resources Code, Section 6200 et seq.

C. TITLE OF REGULATION:

- California Administrative Code, Title 2, Division 3, Section 200 et seq.

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

- Application materials are submitted to the State Lands Commission and reviewed by the Energy and Minerals Resources Development Division (EMRDD).
- Environmental and permit documents are prepared by EMRDD and submitted to the Commission for approval/denial of the permit.

1. Applicability

- Required for exploration of geothermal resources on state lands.

2. General Requirements

- None identified.

3. Submission Requirements

- The following information must be submitted: names and addresses of applicant and applicant's representative, detailed maps of site, proposed survey methods, description of ground water and surface

## CHAPTER 3.2 (continued)

waters, past and present land use, disposal methods, photographs of site, detailed project description, and other necessary documents.

### 4. Procedures for Obtaining Permit or Approval

- Project sponsor submits application to the State Lands Commission for review by EMRDD.
- EMRDD prepares the environmental and permit documents for the proposed project.
- Documents and application materials are submitted to the State Lands Commission for its decision; if approved, the Commission prepares the formal permit document and forwards it to permittee.
- The entire process requires about 6 months.
- If geothermal exploration or prospecting requires wells, a geothermal permit must be obtained from the Division of Oil and Gas.

### 5. Operations Requirements

- Permittee must pay annual rental charge of \$1.00 per acre covered in permit and comply with requirements specified in permit and with Commission's rules and regulations.
- Drilling activities must be completed within 3 years.

### 6. Fees

- There is a \$25 filing fee and minimum expense deposit of \$100; complex applications may require higher expense deposits.
- Additional fees may be required to cover costs of preparing environmental document.

### 7. Appeal Process

- Commission decisions may not be appealed; however, applications may be resubmitted as originals for consideration.

## CHAPTER 3.2 (concluded)

### E. ADMINISTERING AGENCY:

- Executive Director  
State Lands Commission  
100 Oceangate, Suite 300  
Long Beach, CA 90802  
(213) 590-5201

### Federal Agency:

- None identified.

## CHAPTER 3.3

### PROSPECTING FOR MINERALS ON STATE LANDS

#### INTRODUCTION

The State Lands Commission issues prospecting permits to provide for the orderly and efficient exploration of state lands. The Commission is responsible for managing state-owned lands in the best interests of the people of California and for ensuring environmentally safe use of such lands.

A. NAME OF PERMIT OR APPROVAL:

- Prospecting Permit (S)

B. STATUTORY AUTHORITY:

- California Public Resources Code, Section 6200 et seq.

C. TITLE OF REGULATION:

- California Administrative Code, Title 2, Division 3, Section 2000 et seq.

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

- Application materials are submitted to the State Lands Commission and reviewed by the Energy and Minerals Resources Development Division (EMRDD).
- The EMRDD determines what environmental documents must be prepared and circulates application materials to the appropriate governmental agencies.
- All application and permit documents are reviewed by the State Land Commission who determines whether or not to approve the permit.

1. Applicability

- Required for exploration of minerals (other than oil, gas, or geothermal resources) on state lands.
- Applies only to lands not classified by the State Lands Commission as containing "commercially valuable material."

## CHAPTER 3.3 (continued)

### 2. General Requirements

- None identified.

### 3. Submission Requirements

- The project sponsor must submit the following information: names and addresses of applicant and applicant's representative, detailed maps of site, description of site and project, materials to be explored, proposed prospecting methods, historical use of area, copies of permits from other agencies, photographs of site, and other pertinent documents.

### 4. Procedures for Obtaining Permit or Approval

- Applicant submits an application to the State Lands Commission for review by the EMRDD.
- EMRDD prepares a draft study to determine what environmental document is required.
- The study and approved permit documents are circulated to appropriate government agencies for review and comments.
- The EMRDD submits application materials, final environmental document, and permit documents to the State Lands Commission who vote to approve or deny the permit.
- Permits are valid for 2 years and are renewable for an additional year.

### 5. Operations Requirements

- Permittee may prospect only on lands designated in the permit.

### 6. Fees

- There is a \$25 filing fee and a minimum expense deposit of \$100; more complex applications may require a higher deposit.
- A \$1 fee is charged for each acre in the permit area.
- Additional fees may be incurred to cover the cost of environmental review.

### 7. Appeal Process

- Commission decisions may not be appealed; however, new applications may be re-submitted as originals for consideration.

### CHAPTER 3.3 (concluded)

#### E. ADMINISTERING AGENCY:

- Executive Director  
State Lands Commission  
100 Oceangate, Suite 300  
Long Beach, CA 90802  
(213) 590-5222

#### Federal Agency:

- None identified.

## CHAPTER 3.4

### MINING AND RECLAMATION

#### INTRODUCTION

Approval for the Mine Permit and Reclamation Plan is granted at the local level by the Planning Department, Building Department, or Public Works agency. The pertinent agency is responsible for ensuring that proposed plans comply with local, certified surface mine reclamation ordinances.

A. NAME OF PERMIT OR APPROVAL:

- Mine Permit and Reclamation Plan (S)

B. STATUTORY AUTHORITY:

- Surface Mining and Reclamation Act
- California Public Resources Code, Section 2710

C. TITLE OF REGULATION:

- California Administrative Code, Title 14, Section 3500

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

- Application is submitted to appropriate local regulatory agency (e.g., Planning Department, Building Department, Public Works).
- Public hearing and environmental review are conducted.
- Approval is granted by City Council or Board of Supervisors.

1. Applicability

- Mining operations that result in surface disruption of more than 100 cu yd in any location of 1 acre or less.

2. General Requirements

- None identified.

3. Submission Requirements

- Application must include description of mining operation, description of reclamation plan proposed for project, and environmental characteristics of the site.



## CHAPTER 3.4 (continued)

### 4. Procedures for Obtaining Permit or Approval

- Application is submitted to appropriate local regulatory agency (Planning Department, Building Department, or Public Works) and undergoes staff review; state may review application on request from local agency.
- Environmental documents are prepared by the reviewing agency's staff.
- Final approval/denial is granted by the City Council or Board of Supervisors.

### 5. Operations Requirements

- The local agency having jurisdiction monitors the project.
- Performance bonds may be required.

### 6. Fees

- Fees vary from jurisdiction to jurisdiction.

### 7. Appeal Process

- Appeals are handled at the county or city level.
- If the Plan is not approved because the project is in area considered as having regional or statewide significance, then the appeal must be directed to the State Mines and Geology Board.

### E. ADMINISTERING AGENCY:

- Special Representative  
California Mining and Geology Board  
610 Bercut Drive  
Sacramento, CA 95814  
(916) 322-1082

### Federal Agency:

- None identified.

SECTION 4.0  
LAND USE REGULATIONS

## CHAPTER 4.1

### CONSTRUCTION OF POWER PLANTS AND TRANSMISSION LINES

#### INTRODUCTION

The Notice of Intention (NOI) to construct a power plant or transmission line is subject to review and approval by the California Energy Commission. The purpose of the NOI process is to determine the basic acceptability of proposed facilities before financial resources and regulatory efforts have been committed to the project.

#### A. NAME OF PERMIT OR APPROVAL:

- Notice of Intention (NOI) (S)

#### B. STATUTORY AUTHORITY:

- Warren-Alquist Act
- California Public Resources Code, Section 25000 et seq.

#### C. TITLE OF REGULATION:

- California Administrative Code, Title 20, Section 1701 et seq.

#### D. SUMMARY OF PERMIT/APPROVAL PROCESS:

- Completed application is filed with the Energy Commission who sends copies to all interested public agencies for comments and recommendations.
- Hearings take place to resolve issues of fact and law.
- The Commission prepares a final report detailing their findings and conclusions.
- After hearings on the report, a final decision is made.

#### 1. Applicability

- Permit is required for thermal power plants generating more than 100 megawatts and for associated electric transmission lines.

#### 2. General Requirements

- Projects subject to the Energy Commission are exempt from all other permitting agencies but must meet their standards.

## CHAPTER 4.1 (continued)

### 3. Submission Requirements

- NOI requires the following information: summary description of alternative sites; discussion of "Need for Facilities" in which justifications and data are presented; discussion of chosen technology and design; costs; unresolved technical, environmental, and health and safety issues map of proposed sites; listing of federal, state, regional, and local agencies; "Applicable Standards"; and "Air Quality".
- Other necessary information: descriptions of all auxiliary structures and improvements, description of significant assumptions and methods, literature cited, 150 copies of NOI materials, and signatures verifying information.

### 4. Procedures for Obtaining Permit or Approval

- NOI process begins when completed application materials are formally filed with the Commission.
- Application copies are sent to appropriate local, state, regional, and federal agencies for review and comments.
- Public presentations are conducted within 45 days of filing of Notice; no sooner than 15 days after the presentations, non-adjudicatory hearings are held.
- A final report is prepared by the Commission and distributed at the conclusion of the hearings.
- Procedures for NOI review of geothermal projects are similar to those described above.

### 5. Operations Requirements

- None identified.

### 6. Fees

- Each NOI for a proposed new generating facility must be accompanied by a cashier's check equal to \$0.01/kilowatt of net electric generating capacity of each site and related facility (min. \$1,000; max. \$25,000).
- All other facilities entail flat \$5,000 fee.

### 7. Appeal Process

- Any party to the NOI process may appeal to the Commission for all or part of a decision or order within 30 days.

## CHAPTER 4.1 (concluded)

- When the appeal is denied, further appeals must be taken to the California Supreme Court.

### E. ADMINISTERING AGENCY:

- Chairman  
California Energy Commission  
1111 Howe Avenue  
Sacramento, CA 95825  
(916) 920-6906

### Federal Agency:

- Federal Energy Regulatory Commission  
825 North Capital Street  
Washington, D.C. 20426

## CHAPTER 4.2

### CERTIFICATION OF POWER PLANTS AND TRANSMISSION LINES

#### INTRODUCTION

An Application for Certification (AFC) is submitted to the California Energy Commission once a specific site and facility have been approved during the NOI process (see Chapter 4.1). The Commission is responsible for critically evaluating the proposed project and its effects on the economy, environment, and health and safety of Californians. The Commission is also directed by the Warren-Alquist Act to consider all areas of critical environmental concern during the AFC process.

#### A. NAME OF PERMIT OR APPROVAL:

- Application for Certification (AFC) (S)

#### B. STATUTORY AUTHORITY:

- Warren-Alquist Act
- California Public Resources Code, Section 25000 et seq.

#### C. TITLE OF REGULATION:

- California Administrative Code, Title 20, Section 1701 et seq.

#### D. SUMMARY OF PERMIT/APPROVAL PROCESS:

- Completed application is reviewed by the Energy Commission which sends copies to all interested public agencies for comments and recommendations.
- Hearings take place to resolve issues of fact and law.
- A preliminary decision is circulated and reviewed in hearings.
- The Commission makes a final decision after reviewing the evidentiary record developed during the review process.

#### 1. Applicability

- A permit is required for thermal power plants generating more than 100 megawatts and for associated electric transmission lines; it applies to a specific site and facility.

## CHAPTER 4.2 (continued)

### 2. General Requirements

- The Notice of Intention process must have been completed.
- The Energy Commission has issued a final report favoring the applicant.

### 3. Submission Requirements

- The following information is required in application: general description of proposed project, site, and related facilities, justification of facilities, description of transmission lines, safety, reliability, financial impacts, environmental information, compliance with applicable laws, air quality, and water supply and quality.
- For geothermal facilities the following information is required for AFC: description of all electric generating units and proposed and maximum generating capacity of each, project installation schedule, effect of development on environmental and public health and safety, amount and sources of cooling water, general design and location of auxillary facilities, and other information requested by the Commission.
- All facilities must include with the application: descriptions of all auxillary structures and improvements, description of significant assumptions and methods, literature cited, 150 copies of NOI materials, and signatures verifying information.

### 4. Procedures for Obtaining Permit or Approval

- The Commission staff reviews the AFC for completion and evaluates environmental impacts; an environmental impact report (EIR) may or may not be required.
- The AFC is distributed to appropriate local, regional, state, and federal agencies for review and comments, and a summary of the Application is published in the local newspaper.
- Public hearings (informational and evidentiary) begin from 90 to 240 days after filing the AFC.
- After the hearings, the presiding member of the Commission staff prepares and publishes a report summarizing the proceedings.
- The proposed decision by the staff is then published and distributed; no sooner than 15 days later, a hearing of oral and written arguments is held before the full Commission.

## CHAPTER 4.2 (concluded)

- A final decision by the Commission must be made within 18 months of the filing of the AFC.
- For geothermal facilities, the review process is similar to the AFC procedures described above.

### 5. Operations Requirements

- After certification, the project sponsor must construct and operate the plant and related facilities according to the terms and conditions listed in the final written decision granted by the Commission.

### 6. Fees

- No fees are required for Application of Certification.
- Project sponsors must reimburse the Commission for costs incurred by local agencies in evaluating the AFC.

### 7. Appeal Process

- Any party to the AFC process may appeal to the Commission for all or part of a decision or order within 30 days.
- When the appeal is denied, further appeals must be taken to the California Supreme Court.

### E. ADMINISTERING AGENCY:

- Chairman  
California Energy Commission  
1111 Howe Avenue  
Sacramento, CA 95825  
(916) 920-6906

### Federal Agency:

- Federal Energy Regulatory Commission  
825 North Capital Street  
Washington, DC 20426



## CHAPTER 4.3

### TIMBERLAND HARVESTING

#### INTRODUCTION

The Department of Forestry approves Timber Harvesting Plans to ensure that timber operators carry out their activities in accordance with the goal of maximum, sustained timber production and maintenance of recreation, watershed, wildlife, range, forage, and fisheries. The Regional Chief of Forestry has the responsibility to determine if proposed timber operations conform to the rules and regulations of the Board of Forestry, the Forest District, and the Forest Practice Act of 1973.

#### A. NAME OF PERMIT OR APPROVAL:

- Timber Harvesting Plan, Notice of Exempt Operations, and Emergency Notice of Timber Operations (S)

#### B. STATUTORY AUTHORITY:

- Forest Practice Act of 1973
- California Public Resources Code, Section 4561

#### C. TITLE OF REGULATION:

- Timber Harvesting Plans, California Administrative Code, Title 14, Section 1032 et seq.

#### D. SUMMARY OF PERMIT/APPROVAL PROCESS:

- For each permit (Timber Harvesting Plan, Notice of Exempt Operations, and Emergency Notice of Timber Operations), the required form must be submitted to the appropriate regional office of the Department of Forestry for review.
- Only the Timber Harvesting Plan is subject to public and multi-agency review.
- If the plan is approved, a Notice of Conformance is sent to the applicant within 30 days of filing.

#### 1. Applicability

- The Plan is required for all timber owners or operators proposing to cut and remove commercial solid wood forest products from non-federal timber lands 3 or more acres in size.

## CHAPTER 4.3 (continued)

- Notice of Exempt Operations must be filed where dead, down, or dying timber proposed for harvest consists of less than 10% of average volume per acre and its removal would have minimal effect on forest resources.
- Timber owners or operators who intend to remove down, dead, or dying timber or who intend to remove timber where delay could cause financial loss, waste, or loss of forest resources must file an Emergency Notice of Timber Operations.

### 2. General Requirements

- Prior to beginning work on the approved plan, the timber operator must have a valid timber operator's license.
- A registered professional forester must prepare the Timber Harvesting Plan.

### 3. Submission Requirements

- Form FM-63, "Timber Harvesting Plan": data on timber owner and operator, detailed description of timber operations including erosion control measures and steps to protect wildlife, data on previously filed harvest plans, list of other pertinent agencies involved, data on preparator of form, signatures of parties involved, USGS map, and pertinent environmental documents.
- Form FM-73, "Notice of Exempt Operations": proposed exempt operations, name, address, and phone number of timber owner or operator, description of property, and map.
- Form FM-65, "Emergency Notice of Timber Operations": nature of emergency, location of proposed activity, type of cutting proposed, estimated dates for beginning and completing project, and map of area.

### 4. Procedures for Obtaining Permit or Approval

Timber Harvesting Plan.

- Project sponsor submits completed application to the appropriate regional office.
- Copies of the plan are distributed to appropriate local and state agencies and to the public for review and comment.
- During review, the plan area may be inspected for erosion control, wildlife protection, and hazard precautions.

## CHAPTER 4.3 (continued)

- o The Regional Chief must reach a decision within 15 to 30 days of the formal filing date.
- o If the plan is approved, a Notice of Conformance is sent to the timber owner or operator and to all agencies involved in review.

### Notice of Exempt Operations.

- o Form FM-73 is submitted to appropriate regional office for review.

### Emergency Notice of Timber Operations.

- o Form FM-65 is submitted to appropriate regional office for review.

## 5. Operations Requirements

### Timber Harvesting Plan.

- o Within 1 month of plan approval, Form FM-66, "Timber Operations Work Completion Form", must be submitted to regional office.
- o Within 5 years of completing timber operations, Form FM-67, "Report of Stocking", must also be submitted to the regional office.
- o Estimated dates for beginning and completing approved work must be followed, but may be changed upon filing notice with the Department of Forestry.

### Emergency Notice of Timber Operations.

- o Work may immediately begin, but may not continue for longer than 60 days without approved Timber Harvesting Plan.

## 6. Fees

- o No fees are required.

## 7. Appeal Process

- o Within 10 days after rejection of the plan, the timber owner or operator must request a public hearing before the Board of Forestry.
- o The Board forwards a public notice, and a public hearing is held at which time the Board upholds or overrules the Regional Chief's decision.

## CHAPTER 4.3 (concluded)

### E. ADMINISTERING AGENCY:

Timber owners or operators should submit harvesting plans to the regional office of the Department of Forestry in the area of proposed activity. To find out which regional office has jurisdiction over the proposed project, the following agency should be contacted:

- Board of Forestry  
1416 9th Street, Room 1512  
Sacramento, CA 95814  
(916) 445-9920

#### Federal Agency:

- Regional Forester  
U.S. Forest Service  
Pacific Southwest Region  
630 Sansome Street  
San Francisco, California 94111
- State Director  
Bureau of Land Management  
2800 Cottage Way  
Sacramento, California 95814

## CHAPTER 4.4

### CONVERSION OF TIMBERLAND TO OTHER USES

#### INTRODUCTION

Timberland Conversion Permits are issued by the regional offices of the Department of Forestry. The Department is responsible for assuring that proposed timberland conversions meet the requirements of Forest Practice Act, related Board of Forestry regulations, and provisions of CEQA.

#### A. NAME OF PERMIT OR APPROVAL:

- Timberland Conversion Permit, Conversion from a Timberland Preserve Zone, and Conversion from Coastal Timberlands (S)

#### B. STATUTORY AUTHORITY:

- Forest Practice Act of 1973.
- California Public Resources Code, Section 4561.

#### C. TITLE OF REGULATION:

- Conversion of Timberland, California Administrative Code, Title 14, Section 1100 et seq.

#### D. SUMMARY OF PERMIT/APPROVAL PROCESS:

- Completed application forms are submitted to the appropriate regional office for review by the Director of Forestry.
- The proposed site is inspected, and local agencies prepare pertinent environmental documents.
- Denial or approval of the application is granted by the Director within 45 to 60 days.

#### 1. Applicability

- Required for all timberland owners proposing to harvest timber and use the land for purposes other than future timber production.
- Applies to conversions to recreational uses, housing development, and grazing land.
- Depending on the location of the proposed conversion, the Department of Forestry will process the application as a Timberland Conversion, a Conversion from a Timberland Preserve Zone, or a Conversion from Coastal Timberlands.

## CHAPTER 4.4 (continued)

### 2. General Requirements

- Proposed timberland conversion must meet requirements of the Forest Practice Act, related Board of Forestry regulations, and provisions of CEQA.
- All necessary local and state permits and approvals must be acquired prior to beginning any activity.

### 3. Submission Requirements

- Form FM-53, "Application for Timberland Conversion Permit": information about the proposed site of activity.
- Form FM-54, "Timberland Conversion Plot": the proposed location of conversion.
- Form FM-55, "Timberland Conversion Plan": logging methods, preparation of land for new use, and specific data that apply to proposed use.

### 4. Procedures for Obtaining Permit or Approval

#### Timberland Conversion Permit.

- The three completed application forms (FM-53, FM-54, FM-55) are submitted to the appropriate regional office and are reviewed by the Director of Forestry.
- The regional office inspects the proposed site and consults with pertinent local and state agencies.
- Local agencies prepare environmental documents required by CEQA. The Director decides to approve or deny the permit within 45 to 60 days.

#### Conversion from Timberland Preserve Zone.

- The same procedures are followed as those described for obtaining a Timberland Conversion Permit.

#### Coastal Zone Conversion.

- The same procedures are followed as those described for obtaining a Timberland Conversion Permit.

### 5. Operations Requirements

- Approved Conversion Permit must be submitted to the County Recorder for each county in which the property is located.

## CHAPTER 4.4 (continued)

- All amendments, suspensions, and revocations of the permit must be submitted to appropriate County Recorder(s).
- Copies of the permit and plan must be provided for each timber operator.
- Copies of all recorded documents must be available for inspection at the site.

### 6. Fees

- If the land proposed for conversion lies within a Timberland Preserve Zone, the applicant must submit a \$100 fee; otherwise, the Department does not charge a fee to process an application for the Timberland Conversion Permit.

### 7. Appeal Process

- Timberland Conversion Permit: A public hearing may be requested before the Board of Forestry.
- Conversion from Timberland Preserve Zone: A public hearing may be requested before the Board of Forestry within 15 days of denial. The Board will hold a hearing within 60 days after receiving request.
- Coastal Zone Conversion: Appeals process is the same as that described for the Timberland Conversion Permit.

### E. ADMINISTERING AGENCY:

Applications should be submitted to the appropriate regional office of the Department of Forestry. To find out which regional office has jurisdiction over the proposed project, the following agency should be contacted:

- Board of Forestry  
1416 9th Street, Room 1512  
Sacramento, CA 95814  
(916) 445-9920

## CHAPTER 4.4 (concluded)

### Federal Agency:

- Regional Forest Service  
U.S. Forest Service  
Pacific Southwest Region  
630 Sansome Street  
San Francisco, CA 94111
- State Director  
Bureau of Land Management  
2800 Cottage Way  
Sacramento, CA 95814



## CHAPTER 4.5

### ENCROACHMENTS, DOCKS, CROSSINGS ON TIDE, AND SUBMERGED LANDS

#### INTRODUCTION

The State Lands Commissions is responsible for managing state lands and their resources in the best interest of the people of California. As legal landowner, the Commission may sell or lease state school lands (sections 16 and 36 of each township). Although the State Lands Commission may lease or regulate the use of tidelands and submerged lands under its jurisdiction, these lands cannot be sold since they are held in trust for all Californians.

#### A. NAME OF PERMIT OR APPROVAL:

- Land Use Lease (S)

#### B. STATUTORY AUTHORITY:

- California Public Resources Code, Section 6200 et seq.

#### C. TITLE OF REGULATION:

- California Administrative Code, Title 2, Division 3, Section 200 et seq.

#### D. SUMMARY OF PERMIT/APPROVAL PROCESS:

- Completed application materials are reviewed by Units of the State Lands Commission.
- Units determine the extent and rental rate of land involved, and the required environmental and legal documents.
- Commission decides whether or not to approve the lease.

#### 1. Applicability

- Required for use of state lands for purposes other than dredging or prospecting for minerals, oil, gas, or geothermal resources.
- Applies to activities relating to mineral and energy production.

#### 2. General Requirements

- None identified.

## CHAPTER 4.5 (continued)

### 3. Submission Requirements

- Form 52.1, "Application for Permit or Lease of State Lands": names, addresses, and telephone numbers of applicant and agent, location of state land involved, ownership of landward property, location of upland property and description of buildings on it, purpose of permit, list of existing structure on waterways, beginning and ending dates of proposed construction, identification of approving public agencies.
- Form 69.3, "Environmental Information Form": (required only if environmental document has not been prepared) other public approvals required, zoning, present and proposed use, project description, probable environmental effects, and environmental setting.

### 4. Procedures for Obtaining Permit or Approval

- Applicant submits appropriate forms to State Lands Commission for review.
- Commission's Boundary Unit determines extent of state land involved, and Environmental Unit determines if an environmental study is needed.
- Land Agent assesses rental charges and assists in preparation of environmental documents.
- Pertinent state agencies review environmental documents.
- Final environmental document, application materials, and legal documents are all reviewed by Commission for permit approval/denial.

### 5. Operations Requirements

- Sponsors must begin operating under the terms of the lease within the schedule provided.
- All facilities on state lands must be maintained and reasonable precautions must be taken to prevent pollution or contamination of the environment.

### 6. Fees

- A \$25 filing fee is charged and is refundable if land in question is not owned by the State.
- Rental fees, royalties, or other fees may be charged.

## CHAPTER 4.5 (concluded)

### 7. Appeal Process

- Permit decisions by the Commission may not be appealed; however, applications may be resubmitted as originals for consideration.

#### E. ADMINISTERING AGENCY:

- Executive Director  
State Lands Commission  
Division of Land Management and Conservation  
1807 13th Street  
Sacramento, CA 95814

#### Federal Agency:

- None identified.

## CHAPTER 4.6

### PROJECTS IN THE LAKE TAHOE BASIN, STATE REQUIREMENTS

#### INTRODUCTION

The California Tahoe Regional Planning Agency (CTRPA) regulates proposed activities in order to preserve and protect the scenic and environmental qualities of the Tahoe Basin. The CTRPA evaluates each proposed project to determine if it conforms with the Regional Plan, may significantly affect the environment, and can be adequately served by present utility services.

A. NAME OF PERMIT OR APPROVAL:

- Development Permit (S)

B. STATUTORY AUTHORITY:

- California Government Code, Title 7.5, Section 67000 et seq.

C. TITLE OF REGULATION:

- California Tahoe Regional Planning Agency Regional Plan and Land Use Ordinance, 1980

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

- Completed application is submitted to CTRPA for review.
- Public hearings are then held.
- Final decision is made by the staff or Governing Board.

1. Applicability

- Permit is required for all construction or modification of commercial, residential, and public works projects in the California portion of the Lake Tahoe Basin.

2. General Requirements

- Local governments must receive and approve project applications before CTRPA will consider them.

## CHAPTER 4.6 (continued)

### 3. Submission Requirements

- CTRPA "Application Form": name of project, details about applicant, description of project (area, purpose, cost, beginning and ending dates), description of property (location, CTRPA zoning, existing and proposed uses, and replacement value of improvements), existing and anticipated sewer use, method of slash and stump removal, description of vegetation to be removed, and names of other people who have shown interest in property or proposed development; certain plans, maps, and attachments must also be provided.
- Additional information must also be furnished to determine if project is subject to review under Indirect Source Review Ordinance: description of proposed activity, plot plan, transportation corridors, present and projected levels of vehicular traffic.
- Reports on soils, archaeology, hydrology, aquatic ecology, landscaping and aesthetics may also be requested.

### 4. Procedures for Obtaining Permit or Approval

- Project sponsor must submit application including all prior approvals, permits, and other authorizations required for project to CTRPA.
- Application materials are reviewed and a public meeting is held.
- The final decision is made by the staff or Governing Board depending on the size and regulatory variances associated with the project.
- Special meetings may be held by the Board to present further evidence.
- The Board must decide to approve or disapprove a project within 60 days of accepting the application.

### 5. Operations Requirements

- Project sponsors must deposit cash, letter of credit, or certificate of deposit with the Agency to guarantee compliance with all permit conditions; deposits are returned to applicant when permit conditions are met.
- Project sponsor must acknowledge acceptance of all conditions by signing an acceptance form and returning it to CTRPA before commencing work on project.

## CHAPTER 4.6 (concluded)

### 6. Fees

- No fees are required unless CTRPA must prepare environmental documents to comply with CEQA.

### 7. Appeal Process

- A project sponsor may reapply for approval six months after denial of a permit if significant modifications to the project are proposed; otherwise, applicants must wait 1 full year before reapplying to CTRPA.

### E. ADMINISTERING AGENCY:

- Director  
California Tahoe Regional Planning Agency  
3053 Harrison Avenue  
P.O. Box 14467  
South Lake Tahoe, CA 95702  
(916) 541-6770

### Federal Agency:

- None identified.

## CHAPTER 4.7

### PROJECTS IN THE LAKE TAHOE BASIN, LOCAL REQUIREMENTS

#### INTRODUCTION

The Tahoe Regional Planning Agency (TRPA) reviews most of the construction and expansion projects in the Tahoe Basin to protect the area from haphazard and destructive development. Congress established TRPA to manage surface water quality and contain runoff from development sites, prevent air quality degradation, and promote a rational land development process for the Basin.

#### A. NAME OF PERMIT OR APPROVAL:

- Administrative Permit (S)

#### B. STATUTORY AUTHORITY:

- Tahoe Regional Planning Compact
- California Government Code, Title 7.4, Section 66800 et seq.

#### C. TITLE OF REGULATION:

- TRPA Land Use and other Ordinances

#### D. SUMMARY OF PERMIT/APPROVAL PROCESS:

- Completed applications are reviewed by TRPA.
- Agency notifies all pertinent agencies, potentially affected landowners, and interested parties of the application and conducts a field review.
- Recommendations are forwarded to the Governing Board for a final decision.

#### 1. Applicability

- Required for commercial, industrial, residential, and public works construction in the Tahoe Basin.

#### 2. General Requirements

- Applications must be approved by local agencies and CTRPA before they can be submitted to the TRPA.

## CHAPTER 4.7 (continued)

### 3. Submission Requirements

- "Application for Submittal": data on applicant, owner, and developer, location of property, name and size of proposed development, and type of application.
- "Environmental Information Report": general development and land use information, copy of actions by local governments, and letters from service entities.
- Other supplemental reports (e.g., Environmental Impact Statement (EIS), Plot Plan, and Slope Analysis Map) may be required based on the type of project proposed.

### 4. Procedures for Obtaining Permit or Approval

- Applicant submits appropriate forms to TRPA.
- TRPA notifies adjoining landowners and interested parties of application.
- Field review is conducted to uncover potential problems.
- Recommendations are forwarded to the Governing Board whose staff decides whether to accept or reject minor projects.
- Major projects are reviewed and within 2 months decided upon by the Governing Board at one of its regularly scheduled meetings.

### 5. Operations Requirements

- Permittee must follow standard conditions imposed by TRPA on the permit.
- Construction must be completed within 24 months if the permit has no extensions.
- Upon expiration of the permit, all partially completed work must be removed and the site returned to its original condition.

### 6. Fees

- Fees vary according to type and size of proposed project; minimum fee is \$50.00.



## CHAPTER 4.7 (concluded)

### 7. Appeal Process

- Decisions by the staff must be appealed to the Governing Board.
- There is no appeal of decisions by the Board except through the courts.

#### E. ADMINISTERING AGENCY:

- Executive Director  
Tahoe Regional Planning Agency  
Alpine Professional Building  
2155 South Avenue  
P.O. Box 8896  
South Lake Tahoe, CA 95731  
(916) 541-0246

#### Federal Agency:

- None identified.

## CHAPTER 4.8

### CONSTRUCTION OF A TRAILER COURT OR MOBILE HOME PARK

#### INTRODUCTION

The Department of Housing and Community Development (HCD) reviews Permits to Construct Mobile Home and Recreational Parks to protect the health and safety of park residents. The Department also allows cities and counties to enforce mobile home construction standards and, in many cases, to review and process permits. Health and safety regulations governing construction in mobile home and recreational parks are established by HCD and enforced by the Division of Codes and Standards.

A. NAME OF PERMIT OR APPROVAL:

- Permit to Construct (S)

B. STATUTORY AUTHORITY:

- California Health and Safety Code, Division 13, Part 2.1, Section 18200 et seq.

C. TITLE OF REGULATION:

- California Administrative Code, Title 25, Chapter 5, Section 5000 et seq.

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

- Completed application form and drawings are submitted to appropriate HCD office for review.
- Permit is issued immediately if application meets requirements of California Administrative Code, Title 25, and all local approvals have been secured.

1. Applicability

- Required for construction or expansion of mobile home parks, recreational trailer parks, and campgrounds.

2. General Requirements

- Contractors and owners must submit certification of compliance with Worker's Compensation Law and have a valid Contractor's License.
- All local approvals must be secured before application can be processed.

## CHAPTER 4.8 (continued)

### 3. Submission Requirements

- Form HCD-50, "Application for Permit to Construct": data on applicant and owner, full description of proposed project, and description of utility requirements and facilities.
- Three copies of plans for mobile home park, trailer park, or campground must be supplied.

### 4. Procedures for Obtaining Permit or Approval

- Applicant submits completed application, environmental documents, and drawings to an area office for review.
- The Division's Plan Check Station reviews the plans and specifications for conformance with Title 25 and approves/denies permit.
- Permit remains valid for 6 months but may be reviewed every 6 months for up to 2 years.

### 5. Operations Requirements

- HCD or local enforcement agency may attach terms and conditions to the approval.
- Time constraints and requirements to provide amenities may be attached.

### 6. Fees

- Fees vary according to size of the development, number of lots, and number and type of services required, but usually average \$20 per lot for proposed mobile home park.

### 7. Appeal Process

- Upon denial of a permit, the applicant may appeal to the Director of the Department for a public hearing.

## CHAPTER 4.8 (concluded)

### E. ADMINISTERING AGENCY:

The Department allows most cities and counties to review and process the Permit to Construct; however, project sponsors may wish to contact either office below to determine whether the city, county or state reviews the application.

- o Department of Housing and Community Development  
Division of Codes and Standards  
Northern Area Office  
700 L Street, Room 300  
Sacramento, CA 95814  
(916) 445-0135
- o Department of Housing and Community Development  
Division of Codes and Standards  
Southern Area Office  
28 Civic Center Plaza, Room 639  
Santa Ana, CA 92701  
(714) 558-4161

Appeals may be directed to:

- o Director  
Department of Housing and Community Development  
921 Tenth Street  
Sacramento, CA 95814

Federal Agency:

- o None identified.

## CHAPTER 4.9

### RIGHT-OF-WAY ACROSS STATE PARKLAND

#### INTRODUCTION

The Department of Parks and Recreation issues rights-of-way to individuals, corporations, or public agencies owning land encircled or landlocked by state park property to ensure that access or installations are compatible with other park uses. Approval of a right-of-way must be issued by the area office having jurisdiction over the state park where the proposed project is located.

#### A. NAME OF PERMIT OR APPROVAL:

- Right-of-Way (S)

#### B. STATUTORY AUTHORITY:

- California Public Resources Code, Section 500 et seq.
- California Public Resources Code, Section 5000 et seq.

#### C. TITLE OF REGULATION:

- California Administrative Code, Title 14, Section 4300 et seq.

#### D. SUMMARY OF PERMIT/APPROVAL PROCESS:

- Completed applications are submitted to the area office for review and subsequently reviewed by the district and state offices.
- The project sponsor conducts negotiations with the Real Property Unit concerning the terms and conditions of the contract.
- If the Director of the Department approves the final contract, the right-of-way is granted.

#### 1. Applicability

- Required for access across state park property, including public and private utility easements for pipelines or roads.
- Anyone owning land encircled by state park property requires this permit.
- Any public agency or private utility proposing to install pipelines or utility roads must obtain a right-of-way.

## CHAPTER 4.9 (continued)

### 2. General Requirements

- None identified.

### 3. Submission Requirements

- "Right-of-Way Over State Parklands" Form: name, address, and telephone number of the applicant, statement of justification of encroachment, description of property, and proposed route with maps.
- Applicant should determine if an environmental document is required under CEQA.

### 4. Procedures for Obtaining Permit or Approval

- Applications must be submitted to appropriate area office for review.
- The office sends copies to the district and state offices for evaluation of compliance with regional park use and of possible environmental effects.
- The district office makes recommendations to the state office who then reviews the application for consistency with department policy.
- The Real Property Unit negotiates with the applicant concerning terms and conditions of the contract; review and negotiations usually require 12 weeks.
- The Director of the Department reviews the final contract and makes the decision regarding approval/denial of the permit.

### 5. Operations Requirements

- Project sponsor must comply with all terms and conditions of the contract.
- The sponsor must construct and maintain the right-of-way at his/her own expense.

### 6. Fees

- Project sponsors may be charged \$350 or a fee equal to the market value of the land covered by the right-of-way, whichever is greater.

## CHAPTER 4.9 (concluded)

### 7. Appeal Process

- There is no formal appeal procedure.

### E. ADMINISTERING AGENCY:

Project sponsors should direct inquiries and applications to the area office of the Department of Parks and Recreation having jurisdiction over the state park where the proposed right-of-way is located. To determine which area office has jurisdiction over the proposed project, the following agency should be contacted:

- Department of Parks and Recreation  
1416 9th Street  
Sacramento, CA 95814  
(916) 445-4330

Federal Agency:

- None identified.

## CHAPTER 4.10

### ENCROACHMENT ON OR ACROSS A STATE HIGHWAY

#### INTRODUCTION

The California Department of Transportation (Caltrans) issues encroachment permits to ensure that a proposed encroachment is compatible with the primary uses of the state highway system and to provide uniform standards for those who propose to do work within the state highway rights-of-way. Standards have been established by Caltrans to ensure the safety of the permit holders and the highway users. It is also the responsibility of Caltrans to determine how the proposed encroachment will affect the aesthetics of the highway.

#### A. NAME OF PERMIT OR APPROVAL:

- Encroachment Permit (S)

#### B. STATUTORY AUTHORITY:

- California Streets and Highways Code, Sections 660-734

#### C. TITLE OF REGULATION:

- None identified.

#### D. SUMMARY OF PERMIT/APPROVAL PROCESS:

- Application is submitted to appropriate Caltrans office.
- For minor encroachment, the permit is immediately granted.
- For major encroachments, the site is inspected, and the application form undergoes multi-agency reviews before a permit can be granted.
- Applications for longitudinal encroachments are reviewed by the Longitudinal Encroachment Review Committee who then decides whether or not to approve the permit.

#### 1. Applicability

- Required for work within a state highway right-of-way and for access to and from a state highway.
- Applies to anything placed in, under, or over any portion of the highway and any driveway or road connected to a state highway.



## CHAPTER 4.10 (continued)

### 2. General Requirements

- Consent from all public agencies having jurisdiction over the project must be obtained before beginning work.

### 3. Submission Requirements

- Form DH-MP-1, "Application for Encroachment Permit": name, address, and telephone number of applicant, complete description of proposed project, and location of proposed encroachment.
- For longitudinal encroachment: justification and cost analysis plus information in Form DH-MP-1B.

### 4. Procedures for Obtaining Permit or Approval

- Application is submitted to appropriate Caltrans office.
- If the application is acceptable (i.e., encroachment is minor, will have no significant effect on environment, and is compatible with departmental requirements), the permit may be issued immediately.
- A major encroachment requires inspection of the site and review of application materials by appropriate agencies; if the encroachment plan is acceptable, the permit will be issued.
- For longitudinal encroachment, the application must be reviewed by the Longitudinal Encroachment Review Committee for approval or denial of permit.
- The entire process may take 2 to 6 months.

### 5. Operations Requirements

- After the project is complete, the site must be cleaned and maintained by the sponsor.
- The sponsor must take measures to protect public safety during construction, pay all inspection costs, notify Caltrans of completion of project, and be liable for damage to state property.
- Special provisions may be attached to the permit.
- The permit may not be transferred to another party.
- Form HM-P-3, "Completion Notice", must be filed upon finishing the project.

## CHAPTER 4.10 (concluded)

### 6. Fees

- Caltrans does not charge permit application fees.

### 7. Appeal Process

- Caltrans has no formal appeals process.

### E. ADMINISTERING AGENCY:

Project sponsors should direct applications to local Caltrans district offices or to highway maintenance station closest to proposed encroachment. To find out which district office has jurisdiction over the proposed project, the following agency should be contacted:

- Department of Transportation  
1120 N Street  
Sacramento, CA 95814  
(916) 445-2200

#### Federal Agency:

- Regional Administrator  
U.S. Department of Transportation  
Federal Highway Administration  
Two Embarcadero Center  
San Francisco, CA 94111

## CHAPTER 4.11

### UTILITY ENCROACHMENT ON OR ACROSS A STATE HIGHWAY

#### INTRODUCTION

The California Department of Transportation (Caltrans) issues encroachment permits to ensure that the proposed encroachment is compatible with the primary uses of the state highway system and to provide uniform standards for those who propose to do work within the state highway rights-of-way. Standards have been established by Caltrans to ensure the safety of the permit holders and the highway users and to maintain the integrity of the state highway system.

#### A. NAME OF PERMIT OR APPROVAL:

- Utility Encroachment Permit (S)

#### B. STATUTORY AUTHORITY:

- California Streets and Highways Code, Sections 660-734

#### C. TITLE OF REGULATION:

- None identified.

#### D. SUMMARY OF PERMIT/APPROVAL PROCESS:

- Application is submitted to appropriate Caltrans office.
- For minor encroachment, the permit is immediately granted.
- For major encroachments, the site is inspected and the application undergoes multi-agency reviews before a permit can be granted.
- Applications for longitudinal encroachments are reviewed by the Longitudinal Encroachment Review Committee who then decides whether or not to approve the permit.

#### 1. Applicability

- Required for work done within a state highway right-of-way by public or private utility companies.
- Applies to installation, trimming or removal of roadside trees, repair or removal of railroad crossings, and routine or emergency maintenance.

## CHAPTER 4.11 (continued)

### 2. General Requirements

- All public agency approvals must be obtained before beginning work.

### 3. Submission Requirements

- Form DH-MP-1B, "Application for Utility Encroachment Permit": name, address, and telephone number of applicant, complete description of proposed project, location of project, dates to begin and complete work, and description of excavation and pipes.
- For longitudinal encroachments: justification of project, physical and engineering problems associated with alternative locations, and cost analysis, plus information in Form DH-MP-1B.

### 4. Procedures for Obtaining Permit or Approval

- Applications are submitted to the appropriate Caltrans office.
- If the application is acceptable (i.e., encroachment is minor, will have no significant effect on environment, and is compatible with departmental requirements), the permit may be issued immediately.
- A major encroachment requires inspection of the site and review of application materials by appropriate agencies; if the encroachment plan is acceptable, the permit will be issued.
- For longitudinal encroachment, the application may be reviewed by the Longitudinal Encroachment Review Committee for approval or denial of permit.
- The entire process may take 2 to 6 months.

### 5. Operations Requirements

- Project sponsor must clean and maintain project site after completion, pay for costs incurred during inspections, take precautions to protect public safety while project is under construction, notify Caltrans when project is finished, and be liable for damage to state property.
- Special provisions may be attached to the permit.
- The permit may not be transferred to another party.
- Form HM-P-3, "Completion Notice", must be filed upon finishing the project.

## CHAPTER 4.11 (concluded)

### 6. Fees

- Although Caltrans does not charge a permit fee, the permittee may be required to file a bond to ensure compliance with conditions of permit.
- Additional fees may be charged to cover inspection costs.

### 7. Appeal Process

- Caltrans has no formal appeals process.

### E. ADMINISTERING AGENCY:

Project sponsors should submit applications to the local Caltrans district office or the highway maintenance station closest to the proposed encroachment. To find out which district office has jurisdiction over the proposed project, the following agency should be contacted:

- Department of Transportation  
1120 N Street  
Sacramento, CA 95814  
(916) 445-2200

#### Federal Agency:

- Regional Administrator  
U.S. Department of Transportation  
Federal Highway Administration  
Two Embarcadero Center  
San Francisco, CA 94111

## CHAPTER 4.12

### WAIVER OF CANCELLATION FEE FOR WILLIAMSON ACT CONTRACTS

#### INTRODUCTION

The Resources Agency determines if a proposed waiver of cancellation fee for Williamson Act Contracts is in the public interest and is consistent with the purposes of the Williamson Act. The Legislature intended the Act to preserve the maximum amount of agricultural land possible and to discourage the premature and unnecessary conversion of agricultural, open space, and recreational lands to urban areas.

#### A. NAME OF PERMIT OR APPROVAL:

- Approval of the Waiver of a Cancellation Fee for Williamson Act Contracts (S)

#### B. STATUTORY AUTHORITY:

- California Agricultural Lands Conservation Act (The Williamson Act)
- California Government Code, Section 51200 et seq.

#### C. TITLE OF REGULATION:

- California Administrative Code, Title 14, Division 6, Chapter 2, Section 14100 et seq.

#### D. SUMMARY OF PERMIT/APPROVAL PROCESS:

- Landowner applies for waiver to appropriate city or county agency who makes the initial decision.
- If the local agency grants a waiver, it must apply by letter to the Resources Agency.
- The Agency reviews all arguments and may conduct a hearing before agreeing with or objecting to the local agency's decision.

#### 1. Applicability

- Required in order to waive payment of the cancellation fee that results from removing lands from exclusive open space uses stipulated by Williamson Act Contracts.

## CHAPTER 4.12 (continued)

### 2. General Requirements

- In order to cancel a contract, the proposed use of the land must be in the public interest and consistent with the purpose of the Act.

### 3. Submission Requirements

- City or county with jurisdiction over proposed action must apply by letter to the Resources Agency and include the following information: data on property owner and other interested parties, date of public hearing, present and proposed land use, amount of cancellation fee, and justification for waiver of cancellation fee.

### 4. Procedures for Obtaining Permit or Approval

- Landowner applies for waiver to appropriate city or county agency.
- If waiver is approved, the local agency sends application to the Resources Agency.
- Resources Agency reviews arguments and conducts an independent investigation by gathering information in meetings with local agency and landowner.
- Formal hearings may be held on request.
- The process usually requires several months.

### 5. Operations Requirements

- Landowner must comply with conditions imposed on the waiver by the local agency.

### 6. Fees

- There is no fee.

### 7. Appeal Process

- Decisions by the Resources Agency may not be appealed except through the courts.

### E. ADMINISTERING AGENCY:

- Sponsor should apply to city or county for waiver of cancellation fee.

## CHAPTER 4.12 (concluded)

If the local agency waives the fee, the Resources Agency must review the waiver; the city or county, rather than landowner, must apply to:

- Secretary  
Resources Agency  
1416 9th Street, Room 1311  
Sacramento, CA 95814  
(916) 445-5656

Federal Agency:

- None identified.



## CHAPTER 4.13

### DEVELOPMENT IN OR NEAR THE SAN FRANCISCO BAY

#### INTRODUCTION

The San Francisco Bay Conservation and Development Commission (BCDC) issues Development Permits for projects in all areas of the Bay (including tributaries, salt ponds, and managed wetlands), which conform with the McAteer-Petris Act and the San Francisco Bay Plan. BCDC regulates dredging, filling, and land use in and around the San Francisco Bay to protect marshlands, wetlands, and other resources and to encourage appropriate water-oriented land uses.

#### A. NAME OF PERMIT OR APPROVAL:

- Development Permit (S)

#### B. STATUTORY AUTHORITY:

- The McAteer-Petris Act
- Suisun Marsh Preservation Act of 1977
- California Government Code, Section 66600 et seq.
- California Public Resources Code, Section 29000 et seq.

#### C. TITLE OF REGULATION:

- California Administrative Code, Title 14, Division 5

#### D. SUMMARY OF PERMIT/APPROVAL PROCESS:

- Application for permit may be processed in one of three ways: as an emergency project, administrative project, or major project.
- Executive Director reviews all applications.
- Except for emergency permits, the applications are subject to scrutiny by the Commission, public agencies, and interested persons.
- Depending on the process of review, a public hearing may be held.
- Approval or denial of the permit may be granted by the Executive Director or the Commission.

## CHAPTER 4.13 (continued)

### 1. Applicability

- Required for dredging, filling, or land use changes in or near the San Francisco Bay.
- Applies to all areas below the line of highest tidal action, areas within 100 ft of that line, and along some streams that are tributaries of the Bay.

### 2. General Requirements

- All local approvals must be granted for major projects before applying to the BCDC for the development permit.

### 3. Submission Requirements

- Information required on "Application for Permit": names, addresses, and telephone numbers of applicant, applicant's representative, and property owner; complete description of proposed project, including location and purpose; names and addresses of adjacent property owners; names of required local, state, and federal permits; proof of applicant's legal interest in property; and list of governmental approvals required.
- A certified environmental document must be included if CEQA requirements apply to the project.
- Illustrated plans of the project and a map of the area must also be submitted.

### 4. Procedures for Obtaining Permit or Approval

#### Administrative Project.

- Applications are submitted to BCDC for review by the Executive Director.
- The Executive Director notifies the Commission, public agencies, and all interested persons of the application.
- If no objection is raised within 14 days, the Executive Director acts on the permit immediately.
- The Commission may vote to consider the permit as a major permit; in this case, the Executive Director processes the application according to procedures described for major projects.
- The entire process for an administrative permit lasts from 2 to 6 weeks.

## CHAPTER 4.13 (continued)

### Major Project.

- Application materials are submitted to BCDC and are formally filed by the Executive Director.
- A public hearing is scheduled no sooner than 28 days after the filing date.
- After initial staff review, a summary of the application is submitted to the Commission, interested public agencies, and all persons requesting notice of application.
- A public hearing is held after which the staff presents a recommendation to the Commission.
- The Commission votes either to grant or deny the permit and is required to reach a decision within 90 days of filing date.

### Emergency Project.

- The project sponsor phones the BCDC and describes the nature and location of the emergency and proposed action.
- The Executive Director determines whether or not the proposed project constitutes an emergency as defined by the Commission's regulations.
- If the permit is issued, the applicant is still required to file an application and pay fees for an administrative permit within 5 days of obtaining the emergency permit.

## 5. Operations Requirements

- Permittee must notify the Executive Director when the approved project is complete.

## 6. Fees

- Filing fees are based on the type and cost of the project; fees for most minor repairs and installations range from \$25 to \$100.
- For projects that may have significant environmental impact or for minor landfill projects, a fee of \$300 may be charged.
- Fees for other projects may range from \$600 to \$2,500.

## CHAPTER 4.13 (concluded)

### 7. Appeal Process

#### Administrative Permit.

- The applicant may appeal denial of a permit or the conditions imposed on it.
- A written statement of appeal should be sent to the Executive Director explaining why the permit denial or the conditions of the approved permit are unreasonable.

#### Major Project.

- The Commission's decision is final.
- A new application may be submitted 90 days after the decision, or a significantly changed application may be submitted at any time.

#### Emergency Project.

- The Executive Director's decision is final.
- The applicant may file an application for a regular permit.

### E. ADMINISTERING AGENCY:

- Permits  
Bay Conservation and Development Commission  
30 Van Ness Avenue, Room 2011  
San Francisco, CA 94102  
(415) 557-3686

#### Federal Agency:

- None identified.

## CHAPTER 4.14

### CONSTRUCTING OR ENLARGING A DAM OR RESERVOIR

#### INTRODUCTION

The Department of Water Resources, Division of Safety of Dams, is responsible for supervising the safety of dams and reservoirs to protect life and property. The Division reviews plans and specifications for dam or reservoir construction to determine if the proposed design meets acceptable, modern engineering practices and the Department's standards for dam safety.

#### A. NAME OF PERMIT OR APPROVAL:

- Approval of Plans and Specifications and Certificate of Approval to Construct or Enlarge a Dam or Reservoir (S)

#### B. STATUTORY AUTHORITY:

- California Water Code, Division 3, Parts 1 and 2

#### C. TITLE OF REGULATION:

- California Administrative Code, Title 23, Chapter 2

#### D. SUMMARY OF PERMIT/APPROVAL PROCESS:

- Application form is reviewed for compliance with the Division's established standards.
- Site is inspected.
- Environmental documents are prepared to satisfy CEQA requirements.
- Once plans and specifications meet the state's guidelines, they are approved.

#### 1. Applicability

- Required for construction or enlargement of a dam or reservoir.
- Applies to dams over 6 ft high or reservoirs with a capacity of more than 15 acre-ft of water.
- Any person who proposes to construct or enlarge a dam or reservoir must obtain written approval for the plans and specifications.

## CHAPTER 4.14 (continued)

- Once construction is finished, a Certificate of Approval must be obtained.

### 2. General Requirements

- A licensed engineer must complete form DWR-3 (see 3).

### 3. Submission Requirements

- Form DWR-3, "Application for Approval of Plans and Specifications for the Construction or Enlargement of a Dam and Reservoir": names and addresses of applicant and owner, location and description of dam or reservoir, precipitation, flood and inflow data, plans and specifications of the dam and reservoir, engineering data, required environmental documents, estimated construction costs, and evidence of water rights.

### 4. Procedures for Obtaining Permit or Approval

- Applicant submits application materials to Division.
- Division's Project Engineer reviews the plans and specifications for conformance with standards and conducts a field inspection.
- The designer may be required to modify plans to meet the Department's Standards; modified plans must be submitted for approval.
- Environmental documents are prepared by the Department or by another agency in accordance with CEQA requirements.
- Once plans and specifications meet the standards of the Department, they are approved.
- The process generally takes 6 months.

### 5. Operations Requirements

- Construction must begin within 1 year of approval, and the permittee must notify the Division at least 10 days prior to beginning construction.
- The Division must be allowed to inspect the site periodically.
- After finishing construction, the permittee must submit two copies of drawings of completed project.
- A "Notice of Completion" must be filed with the Division along with an authorized statement of construction costs.

## CHAPTER 4.14 (concluded)

- The Division must be notified of sudden floods or any unusual circumstances affecting the dam.

### 6. Fees

- Total fee is based on estimated cost of project, and minimum filing fee is \$100.
- Additional fee is charged if the Department prepares an environmental document required by CEQA.

### 7. Appeal Process

- Anyone who believes the proposed action will endanger life or property may file a complaint with the Department of Water Resources.
- The complaint is reviewed for validity; if it is deemed valid, the project may be halted or the dam may be removed.
- Certificate of Approval may be revoked if, after a public hearing, the dam or reservoir has been declared a hazard to life or property.

### E. ADMINISTERING AGENCY:

- Chief  
Department of Water Resources  
Division of Safety of Dams  
1416 9th Street  
Sacramento, CA 95814  
(916) 415-1520

### Federal Agency:

- None identified.

## CHAPTER 4.15

### REPAIR OR ALTERATION OF A DAM OR RESERVOIR

#### INTRODUCTION

The Department of Water Resources, Division of Safety of Dams, is responsible for supervising the safety of dams and reservoirs to protect life and property. The Division reviews plans and specifications for dam or reservoir alteration to determine if the proposed design meets acceptable, modern engineering practices and the Departments' standards for dam safety.

#### A. NAME OF PERMIT OR APPROVAL:

- Approval of Plans and Specifications and Certificate of Approval to Repair or Alter a Dam or Reservoir (S)

#### B. STATUTORY AUTHORITY:

- California Water Code, Division 3, Parts 1 and 2

#### C. TITLE OF REGULATION:

- California Administrative Code, Title 23, Chapter 2

#### D. SUMMARY OF PERMIT/APPROVAL PROCESS:

- Application form is reviewed for compliance with the Division's established standards.
- Environmental documents are prepared to satisfy CEQA requirements.
- Plans and specifications are approved once they meet the state's guidelines.

#### 1. Applicability

- Required for repair or alteration of a dam or reservoir.
- Applies to dams over 6 ft high or reservoirs with a capacity of more than 15 acre-ft of water.

#### 2. General Requirements

- A licensed engineer must complete Form DWR-4 (see 3).



## CHAPTER 4.15 (continued)

### 3. Submission Requirements

- Form DWR-4, "Application for Approval of Plans and Specifications for the Repair or Alteration of a Dam or Reservoir": names and addresses of project sponsors, owners, and engineers, location of dam and description of proposed work, plans and specifications of proposed work, engineering data, and environmental documents.

### 4. Procedures for Obtaining Permit or Approval

- Applicant submits application materials to Division.
- Division's Project Engineer reviews the plans and specifications for conformance with standards and confers with the project designer as to what modifications are necessary for departmental approval.
- Environmental documents are prepared by the Department or by another agency in accordance with CEQA requirements.
- Once the plans and specifications meet departmental standards and the proposed work will pose no threat to life or property, the plans and specifications are approved.
- The process takes about 3 to 4 months.

### 5. Operations Requirements

- Division must be notified at least 10 days prior to beginning construction and must be allowed to inspect the site periodically.
- Once construction is finished, two copies of drawings showing completed repair or alteration must be submitted.
- "Notice of Completion" must be filed by permittee showing date project was finished.
- The Division must be notified of any floods affecting the dam or reservoir.

### 6. Fees

- Filing fee is required only if Department prepares an environmental document required by CEQA.

## CHAPTER 4.15 (concluded)

### 7. Appeal Process

- Anyone who believes the repair or alteration of a dam or reservoir will endanger life or property may file a complaint with the Department of Water Resources.
- The complaint is evaluated for validity; if it is deemed valid, the project may be halted or a contractor may be hired by the Division to remove part of the dam.
- Certificate of Approval may be revoked if, after a public hearing, the dam or reservoir has been declared a threat to life or property.

### E. ADMINISTERING AGENCY:

- Chief  
Department of Water Resources  
Division of Safety of Dams  
1416 9th Street  
Sacramento, CA 95814  
(916) 445-1520

### Federal Agency:

- None identified.

## CHAPTER 4.16

### REMOVAL OF A DAM OR RESERVOIR

#### INTRODUCTION

The Department of Water Resources, Division of Safety of Dams, is responsible for determining that the removal of dams and reservoirs does not threaten life, safety, or property. The Division evaluates plans and specifications to determine if the applicant proposes to remove a sufficient portion of the dam to permit safe passage of floodwaters down the watercourse across which the dam is located.

#### A. NAME OF PERMIT OR APPROVAL:

- Approval of Plans and Specifications for Removal of a Dam or Reservoir (S)

#### B. STATUTORY AUTHORITY:

- California Water Code, Division 3, Parts 1 and 2

#### C. TITLE OF REGULATION:

- California Administrative Code, Title 23, Chapter 2

#### D. SUMMARY OF PERMIT/APPROVAL PROCESS:

- Application form is reviewed for compliance with the Division's established standards for removal.
- Environmental documents are prepared according to CEQA requirements.
- Plans and specifications are approved once state guidelines are met.

#### 1. Applicability

- Required for removal of a dam or reservoir.
- Applies to dams over 6 ft high or reservoirs with a capacity of more than 15 acre-ft of water.

## CHAPTER 4.16 (continued)

### 2. General Requirements

- A licensed engineer must prepare plans and specifications according to Form DWR-5 (see 3).

### 3. Submission Requirements

- Form DWR-5, "Application for Approval of Plans and Specifications for the Removal of a Dam or Reservoir": names and addresses of applicant and owner, location and description of dam or reservoir, description of removal (methods, extent, reasons), purpose for building, uses of stored water, discussion of all applicable federal licenses, permits, and granting agencies, names of engineers and contractors involved in project, plans and specifications for removal, and required environmental documents.

### 4. Procedures for Obtaining Permit or Approval

- Applicant submits application materials to Division.
- Division's Project Engineer reviews the plans and specifications for conformance with standards and conducts an inspection of the site.
- The Project Engineer confers with the project designer as to what modifications are necessary for departmental approval.
- Environmental documents are prepared by the Department or by another agency in accordance with CEQA requirements.
- Once the plans and specifications meet departmental standards for removal and the proposed work will pose no threat to life or property, the plans and specifications are approved.
- The process takes about 6 months.

### 5. Operations Requirements

- Removal operations must begin within 1 year of approval.
- The Division must be notified at least 10 days before beginning construction and must be allowed to inspect the site periodically.
- After completing removal, two copies of project drawings must be submitted to Division along with "Notice of Completion" showing date project was finished.
- The Division must be notified of any sudden floods affecting the dam or reservoir.

## CHAPTER 4.16 (concluded)

### 6. Fees

- The applicant pays a fee only if the Department prepares an environmental document required by CEQA.

### 7. Appeal Process

- Anyone who believes the proposed project will endanger life or property may file a complaint with the Department of Water Resources.
- The complaint is evaluated for validity; and, if valid, the project may be halted.
- A Certificate of Approval may be revoked if the Department finds, after a public hearing, that the dam or reservoir threatens life or property.

### E. ADMINISTERING AGENCY:

- Chief  
Department of Water Resources  
Division of Safety of Dams  
1416 9th Street  
Sacramento, CA 95814  
(916) 445-1520

### Federal Agency:

- None identified.

## CHAPTER 4.17

### DAMS OR RESERVOIRS COMPLETED BEFORE 1965

#### INTRODUCTION

The Department of Water Resources, Division of Safety of Dams, is responsible for supervising the safety of dams and reservoirs to protect life and property. Plans and specifications for dams built before September 17, 1965 are reviewed by the Division to determine if the dam meets the Departments' standards for dam safety.

#### A. NAME OF PERMIT OR APPROVAL:

- Approval of Plans and Specifications and Certificate of Approval for a Dam or Reservoir Completed Prior to 1965 (S)

#### B. STATUTORY AUTHORITY:

- California Water Code, Division 3, Parts 1 and 2

#### C. TITLE OF REGULATION:

- California Administrative Code, Title 23, Chapter 2

#### D. SUMMARY OF PERMIT/APPROVAL PROCESS:

- Application form is reviewed for compliance with the Division's established standards.
- Modifications are recommended and subject to approval by the Division.
- A Certificate of Approval is issued when the project meets departmental standards.

#### 1. Applicability

- Required for any dam over 6 ft high or reservoir with a capacity of more than 15 acre-ft of water that was at least 90 percent complete prior to September 17, 1965.

#### 2. General Requirements

- None identified.

## CHAPTER 4.17 (continued)

### 3. Submission Requirements

- Form DWR-2146, "Application for Approval of Dam and Reservoir Completed Prior to September 17, 1965": names and addresses of applicant and owner, location and description of dam or reservoir, historical data, plans and specifications, engineering data, estimated construction costs.

### 4. Procedures for Obtaining Permit or Approval

- Applicant submits application materials to the Division.
- Division's Project Engineer reviews the plans and specifications for conformance with standards and conducts an inspection of the site.
- The Project Engineer confers with the project designer as to what modifications are necessary for departmental approval.
- If the dam must be altered to meet departmental standards, an "Application for Approval of Plans and Specifications for the Repair or Alteration of a Dam and Reservoir" must be submitted.
- A Certificate of Approval is issued when the project meets departmental standards and poses no threat to life or property.
- The process takes about 6 months.

### 5. Operations Requirements

- The Division must be allowed to inspect the site periodically and must be notified of any sudden floods affecting the dam or reservoir.

### 6. Fees

- No fees required.

### 7. Appeal Process

- Anyone who believes a dam or reservoir constructed prior to September 17, 1965 will endanger life or property may file a complaint with the Department of Water Resources.
- If the complaint has been determined as valid, a contractor may be hired to remove part of the dam.

## CHAPTER 4.17 (concluded)

### E. ADMINISTERING AGENCY:

- Chief  
Department of Water Resources  
Division of Safety of Dams  
1416 9th Street  
Sacramento, CA 95814  
(916) 445-1520

### Federal Agency:

- None identified.



## CHAPTER 4.18

### WEATHER MODIFICATION

#### INTRODUCTION

Weather Modification Licenses and Permits must be obtained from the Department of Water Resources, Division of Flood Management. The permit process was established by the Weather Resources Modification Act of 1978, which was designed to protect the states' water resources and the environment in addition to safeguarding life and property.

#### A. NAME OF PERMIT OR APPROVAL:

- Weather Modification License and Permit (S)

#### B. STATUTORY AUTHORITY:

- Weather Resources Modification Act of 1978
- California Water Code, Section 400 et seq.

#### C. TITLE OF REGULATION:

- California Administrative Code, Title 23, Sections 490-495.03

#### D. SUMMARY OF PERMIT/APPROVAL PROCESS:

- Application is submitted to the Department of Water Resources for review and a summary of the proposed project is published in the local newspaper.
- Depending on the circumstances of the project, a public hearing may or may not be held.
- The Department makes the final decision for granting or denying the permit.

#### 1. Applicability

- Required for all weather modification activities, including research.

## CHAPTER 4.18 (continued)

### 2. General Requirements

- Project sponsors must have a license before obtaining a weather modification permit.
- The Flood Forecasting Branch is currently working on regulations to administer CEQA.

### 3. Submission Requirements

- The Department requires on the application: name and address of applicant, his/her educational background and experience in weather modification, description of proposed project (purpose, location, environmental effects, method of operation, techniques for monitoring effectiveness), and names of all persons responsible for the project.

### 4. Procedures for Obtaining Permit or Approval

- The project sponsor must publish a summary of proposed activity in the newspaper circulated in the county where the project is located.
- Within 20 days, the Department either approves or denies the permit.
- If public hearings are held, the Department makes its final decision 5 days after the hearings are concluded.

### 5. Operations Requirements

- Permittee must keep detailed records of all operations and must submit monthly and annual project reports to the Department.

### 6. Fees

- The license costs \$50 and \$500 for each weather modification permit; permit renewal costs \$250.
- Additional fees may be collected (up to \$2,000) for any public hearings held during the review process.

### 7. Appeal Process

- None identified.

## CHAPTER 4.18 (concluded)

### E. ADMINISTERING AGENCY:

- Division of Flood Management  
Department of Water Resources  
P.O. Box 388  
Sacramento, CA 95814  
(916) 445-5140

### Federal Agency:

- None identified.

CHAPTER 4.19  
FLOODWAYS IN THE CENTRAL VALLEY

INTRODUCTION

The Reclamation Board issues encroachment permits for projects located along floodways. The purpose of the permit is to maintain the integrity and safety of levees and other flood control works constructed according to a plan of flood control adopted by the Legislature or the Board. Permits are also issued to prevent encroachments that could impair flood-flow capacities in designated flood channels.

A. NAME OF PERMIT OR APPROVAL:

- Encroachment Permit (S)

B. STATUTORY AUTHORITY:

- The Cobey-Alquist Flood Plain Management Act
- California Water Code, Section 8590 et seq.

C. TITLE OF REGULATION:

- None identified.

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

- Once completed, the application form is reviewed and the project is evaluated for compliance with encroachment standards.
- Copies of the form are reviewed by appropriate agencies, and environmental documents are prepared.
- Depending upon the project, the General Manager or the Reclamation Board determines whether or not to approve the permit.

1. Applicability

- Required for all activities along or near the banks of the Sacramento and San Joaquin rivers and their tributaries.
- Also applies to activities proposed within designated floodways in the Central Valley.

2. General Requirements

- None identified.

## CHAPTER 4.19 (continued)

### 3. Submission Requirements

- Form SRB-300, "Application for Approval of Plans and/or Encroachment Permit": data on applicant, description of proposed activity (location and beginning and completion dates), agencies reviewing environmental documents, names and addresses of adjacent landowners, statement of water rights, signatures of trustees from agency responsible for levee maintenance, maps, complete plans of proposed project, profiles of existing levees, and required environmental documents.

### 4. Procedures for Obtaining Permit or Approval

- The Floodway Permit Section reviews application materials and evaluates the proposed project for compliance with Standards for Encroachments.
- Copies of the application are forwarded to adjacent landowners and appropriate agencies for review and comments.
- All environmental documents required by CEQA are prepared and reviewed at this time.
- When reviews are completed, the Section compiles all comments and makes a recommendation to the General Manager.
- The proposed project may be issued a tentative permit and work may begin immediately if deemed an emergency by the Section.

### 5. Operations Requirements

- Work on the proposed project must begin within 2 years of permit approval.
- The Reclamation Board must be allowed to inspect construction activities.

### 6. Fees

- There is no fee.

### 7. Appeal Process

- A decision made by the Board or General Manager may be appealed by a written request for the General Manager to schedule the application for review during a Board meeting.

## CHAPTER 4.19 (concluded)

### E. ADMINISTERING AGENCY:

- The Reclamation Board  
Floodway Permit Section  
1416 9th Street, Room 335-10  
Sacramento, CA 95814  
(916) 445-9225

### Federal Agency:

- None identified.

SECTION 5.0  
ENVIRONMENTAL QUALITY MANAGEMENT

## CHAPTER 5.1

### CONSTRUCTION OF A FACILITY THAT EMITS AIR POLLUTANTS

#### INTRODUCTION

The county or regional Air Pollution Control District (APCD) issues the Authority to Construct Permit. APCDs are responsible for monitoring new and modified sources of air pollution to ensure that national, state, and local standards for air quality are met and that emissions from such sources will not interfere with attainment or maintenance of air quality standards.

A. NAME OF PERMIT OR APPROVAL:

- Authority to Construct (S)

B. STATUTORY AUTHORITY:

- California Health and Safety Code, Sections 39000-43834

C. TITLE OF REGULATION:

- There are no state regulations.
- Each air pollution control district adopts its own regulations consistent with state law.

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

- Application materials for permit are submitted to appropriate county or regional APCD for evaluation.
- A preliminary decision about the permit is made by the Air Pollution Control Officer (APCO) followed by public and agency review.
- Final approval/denial is granted by APCO.

1. Applicability

- Permit is required to construct, modify, or operate a facility that may emit air pollutants from a stationary source into the atmosphere.



## CHAPTER 5.1 (continued)

### 2. General Requirements

- If emissions are over a certain threshold, applicant must meet the district's New Source Review Rules.
- Applicant must apply Best Available Control Technology (BACT) and in some situations provide "offsets" at a ratio of at least 1:2:1.

### 3. Submission Requirements

- Each APCD uses its own application form for a permit, generally requesting detailed description of equipment to be used, description of business, ID numbers of existing APCD permits, and operating and maintenance schedules (hours/day, days/week, and weeks/year).

### 4. Procedures for Obtaining Permit or Approval

- Applicant submits application form to appropriate county or regional APCD for review.
- APCD staff evaluate application's conformance with New Source Review Rules, district and national emissions limitations, and national and state ambient air quality standards.
- APCD makes a preliminary decision and solicits public and agency comments.
- APCD makes a final decision within 180 days of accepting the complete application.

### 5. Operations Requirements

- Project sponsor may not transfer permit to another party and must comply with all conditions included in permit.
- Existing Permits to Operate belonging to offsetting source(s) must be modified to ensure offsets are enforceable for life of proposed source.

### 6. Fees

- Each APCD sets its own filing fees for permit; applicants may expect to pay from \$10 to \$250.
- APCDs also charge a permit fee, which is generally greater than the filing fee and is based on size of project.

## CHAPTER 5.1 (concluded)

### 7. Appeal Process

- Applicant must appeal within 10 days of notice by filing a petition and fee (\$25 to \$100) with the district's Hearing Board.
- The Board conducts a public hearing and must reach a decision within 30 days of receipt of appeal.

### E. ADMINISTERING AGENCY:

Project sponsors should submit applications to the appropriate county or regional APCD. To find out which APCD office has jurisdiction over the proposed project, the following agency should be contacted:

- Air Resources Board  
1102 Q Street  
Sacramento, CA 95814  
(916) 322-2990

#### Federal Agency:

- Director, Air Branch  
Environmental Protection Agency  
Region IX  
215 Fremont Street  
San Francisco, CA  
(415) 556-7882

## CHAPTER 5.2

### OPERATION OF A FACILITY THAT EMITS AIR POLLUTANTS

#### INTRODUCTION

Permits to Operate must be obtained from the same county or regional Air Pollution Control District (APCD), which issued the Authority to Construct (see Chapter 5.1). The APCD evaluates applications for Permit to Operate to determine if the project sponsor constructed the facility according to the conditions specified in the Authority to Construct. The APCD also determines if the project sponsor will meet the district's standards when operating the facility.

#### A. NAME OF PERMIT OR APPROVAL:

- Permit to Operate (S)

#### B. STATUTORY AUTHORITY:

- California Health and Safety Code, Sections 39000-43834

#### C. TITLE OF REGULATION:

- There are no state regulations.
- Each Air Pollution Control District adopts its own regulations consistent with state law.

#### D. SUMMARY OF PERMIT/APPROVAL PROCESS:

- Project sponsor submits application materials to appropriate APCD.
- The facility is inspected for compliance with Authority to Construct, and a decision is made by the Air Pollution Control Officer (APCO) whether or not to grant the permit.

#### 1. Applicability

- Permit is required after obtaining Authority to Construct permit and completing construction or modification of facilities, but before beginning operation.

#### 2. General Requirements

- Project sponsor may apply for permit only after obtaining an Authority to Construct from the APCD and completing the construction or modification according to the terms of the Authority to Construct.

## CHAPTER 5.2 (continued)

### 3. Submission Requirements

- Each APCD uses its own application form for Permit to Operate.
- Generally, APCD asks applicant to certify that construction was completed according to terms and conditions of Authority to Construct and that facility will meet the district's regulations.

### 4. Procedures for Obtaining Permit or Approval

- Project sponsor must file application for permit at least 3 days prior to operation of facility.
- An inspection of the facility is conducted to determine if it meets construction standards according to the Authority to Construct.
- If the facility is acceptable, the APCD issues Permit to Operate.
- Process takes 1 to 2 months, and the permit is valid for 1 to 3 years.

### 5. Operations Requirements

- Permittee must begin operating the facility within 1 year of completing construction.
- Permit may not be transferred to another party.

### 6. Fees

- APCD will generally charge applicant a permit fee equal to that paid for Authority to Construct, not including initial filing fee.
- Additional fees will be charged if the APCD must collect samples to analyze emissions.

### 7. Appeal Process

- If permit is denied, applicant may appeal by filing a petition and fee (\$25 to \$100) to the district's Hearing Board within 10 days of notice.
- A public hearing is held and the Board must reach a decision within 30 days of receipt of appeal.

## CHAPTER 5.2 (concluded)

### E. ADMINISTERING AGENCY:

Applications should be directed to the APCD that issued Authority to Construct. To find out which APCD office has jurisdiction over the proposed project, the following agency should be contacted:

- Air Resources Board  
1102 Q Street  
Sacramento, CA 95814  
(916) 322-2990

#### Federal Agency:

- Director, Air Branch  
Environmental Protection Agency  
Region IX  
215 Fremont Street  
San Francisco, CA  
(415) 556-7882

## CHAPTER 5.3

### DISCHARGES INTO SURFACE WATER

#### INTRODUCTION

The State Water Resources Control Board (SWRCB) and the Regional Water Quality Control Boards are responsible for protecting the waters of the state for the use and enjoyment of the people of California. However, decisions concerning the National Pollutant Discharge Elimination System permits are usually made by the Regional Board having jurisdiction over the proposed area of project activity.

#### A. NAME OF PERMIT OR APPROVAL:

- National Pollutant Discharge Elimination System (NPDES) Permit (F)

#### B. STATUTORY AUTHORITY:

- Federal Water Pollution Control Act, Amendments of 1977 (Public Law 92-500)
- California Water Code, Division 7

#### C. TITLE OF REGULATION:

- California Administrative Code, Title 23, Chapter 3

#### D. SUMMARY OF PERMIT/APPROVAL PROCESS:

- The completed NPDES application is reviewed by the Executive Officer of the Regional Board and the Regional Administrator of the Environmental Protection Agency (EPA).
- The Officer determines if the Board should propose discharge requirements or prohibit discharge.
- If requirements are indicated, the Officer draws them up and forwards them to the Administrator for review.
- The Officer sends all solicited comments and recommendations to the Regional Board who then holds a public hearing.
- The decision is made by the Board whether to adopt or modify the discharge requirements.

#### 1. Applicability

- Required for facilities and activities that discharge waste into surface waters from a confined pipe or channel.

## CHAPTER 5.3 (continued)

### 2. General Requirements

- Not identified.

### 3. Submission Requirements

- The appropriate standard form should be completed for each source of discharge; the Regional Board may require two or more forms to be submitted by the applicant.
- The NPDES permit application, "Report of Waste Discharge": data on facility owner, agent, and lessee, description of facility, description of discharge, location of disposal, water source, volume of discharge per day, list of all permits required for project, water flow and location map, description of proposed or current waste abatement practices, and any available environmental documents.

### 4. Procedures for Obtaining Permit or Approval

- Upon receipt of the NPDES permit application, the Executive Officer of the appropriate Regional Board reviews the application and forwards it to the Regional Administrator of the EPA for comments.
- The Officer determines whether the Board should issue waste discharge requirements or prohibit the discharge; if waste discharge requirements are necessary, the Officer prepares tentative requirements.
- Discharge requirements are forwarded to the EPA Administrator and other pertinent agencies for review and comments.
- The Board holds a public hearing near the discharge site; at which time, it may adopt or modify the tentative requirements.
- The entire review process takes about 6 months.

### 5. Operations Requirements

- Sponsor must monitor designated discharges and keep accurate records of discharge analysis.
- An annual report must be submitted to the Regional Board.
- Analysis of pollutants must be done by a state-approved laboratory.
- Any modification in discharge requires filing a revised NPDES permit application with the Regional Board.

## CHAPTER 5.3 (concluded)

### 6. Fees

- Fees are variable and depend upon the type and rate of discharge; minimum fee is \$20.

### 7. Appeal Process

- Written appeals from a Regional Board decision must be submitted to the SWRCB within 30 days.
- The SWRCB may refuse to review the action of the Regional Board, review the Board's action based on its records, or hold its own hearing.
- If the SWRCB reviews the Board's decision, it may deny or modify the petition or direct the board to take specific actions.

### E. ADMINISTERING AGENCY:

- Project sponsors should direct inquiries and applications to the Regional Board for the area in which the proposed project is located.

Appeals on Regional Board decisions are heard by the State Water Resources Control Board at the following address:

- State Water Resources Control Board  
1416 9th Street  
Sacramento, CA 95814  
(916)445-9434

### Federal Agency:

- U.S. Environmental Protection Agency  
Region IX  
215 Fremont Street  
San Francisco, CA 94111  
(415) 556-7882



## CHAPTER 5.4

### WASTE DISCHARGE REQUIREMENTS

#### INTRODUCTION

The State Water Resources Control Board (SWRCB) and Regional Water Quality Control Boards are responsible for protecting the waters of the state for the use and enjoyment of the people of California. Waste discharge requirements are established by the Regional Board on a project-by-project basis and are based on adopted water quality standards, the Areawide Waste Treatment plan ("208"), and the Basin Plan in the area of proposed activity.

#### A. NAME OF PERMIT OR APPROVAL:

- Waste Discharge Requirements

#### B. STATUTORY AUTHORITY:

- Porter Cologne Water Quality Control Act
- California Water Code, Division 7

#### C. TITLE OF REGULATION:

- California Administrative Code, Title 23, Chapter 23

#### D. SUMMARY OF PERMIT/APPROVAL PROCESS

- Prior to discharge, a complete "Report of Waste Discharge" is submitted to the appropriate Regional Board.
- The Executive Officer recommends to the Board whether waste discharge requirements should be adopted, the discharge should be prohibited, or requirements should be waived.
- If the Board decides to adopt requirements, the requirements are reviewed by the public and appropriate agencies and then voted on by the Board.

#### 1. Applicability

- Required for facilities and activities that discharge waste into ground water or surface waters.
- Applies to soil erosion and runoff, but not to point source discharges into surface waters.

## CHAPTER 5.4 (continued)

### 2. General Requirements

- None identified.

### 3. Submission Requirements

- "Report of Waste Discharge" and "Technical Report" request the following information: data on facility owner, authorized agent and lessee, description of facility, location of operation, description of discharge, water source, flow and location map, description of proposed or current waste abatement practices, and availability of an environmental document.

### 4. Procedures for Obtaining Permit or Approval

- Applicant submits application forms to appropriate Regional board at least 180 days prior to date of intended discharge.
- The Executive Officer reviews the application to determine if the board should adopt waste discharge requirements, prohibit discharge, or waive requirements.
- If the Officer recommends the Board adopt discharge requirements, the Officer prepares tentative requirements for the project.
- The requirements are distributed to public agencies and interested persons for 30-day review and comment.
- The Board holds a public hearing in a location near the discharge; at this hearing, the Board may adopt tentative waste discharge requirements or modify the requirements before adopting them.
- If the Officer recommends that the Board prohibit discharge, the Officer submits a report to the Board stating reasons.
- The report is then processed in the same manner as the waste discharge requirements.
- The entire process may require 3 months.

### 5. Operations Requirements

- Wastes must be routinely monitored according to the Regional Board's directions.
- The sponsor must keep accurate records of amount of discharge and analysis of pollutants and submit an annual report.

## CHAPTER 5.4 (concluded)

- Laboratories used by dischargers for analyzing pollutants must be approved by the State Department of Health or the Executive Officer of the Regional Board.
- Alterations in discharge must be reported to the Regional Board.

### 6. Fees

- Fees are highly variable depending on type of operation and extent of discharge; minimum fee is \$20.

### 7. Appeal Process

- The Regional Board's decision must be appealed by submitting a petition to the SWRCB within 30 days.
- The SWRCB may deny or modify the petition, or direct the Regional Board to take action.

## E. ADMINISTERING AGENCY

- Sponsors should submit applications to the Regional Board for the area in which the proposed project is located.

Appeals should be directed to:

- State Water Resources Control Board  
1416 9th Street  
Sacramento, CA 95814  
(916) 322-3580

Federal Agency:

- U.S. Environmental Protection Agency  
Region IX  
215 Fremont Street  
San Francisco, CA  
(415) 556-7882

## CHAPTER 5.5

### APPROPRIATION OF SURFACE WATER

#### INTRODUCTION

The State Water Resources Control Board (SWRCB) regulates the appropriation of water to prevent waste, assure water conservation, and guarantee the greatest beneficial use of the state's water resources in the best interest of the public. The Legislature has established specific beneficial uses of the state's water, such as domestic use, irrigation, and recreation.

#### A. NAME OF PERMIT OR APPROVAL:

- Permit to appropriate Water and Temporary Permit (S)

#### B. STATUTORY AUTHORITY:

- California Water Code, Divisions 1 and 2

#### C. TITLE OF REGULATION:

- California Administrative Code, Title 23, Chapter 3

#### D. SUMMARY OF PERMIT/APPROVAL PROCESS

- Completed applications are submitted to the Division of Water Rights for review.
- If the application complies with emergency conditions as defined by the Division, a temporary permit is immediately issued.
- Application for Permit to appropriate Water must undergo review by appropriate public agencies and interested persons, and all protests to the proposed action must be resolved either through proceedings and hearings or by the SWRCB.
- If the Board registers no complaints against the proposed permit or environmental document, the Division processes the permit.

#### 1. Applicability

- Required for water diversions from a surface stream or lake for use on nonriparian land not adjacent to the water source.
- Applies to ground water extractions from known subterranean channels and to seasonal storage of unappropriated surface water.

## CHAPTER 5.5 (continued)

### 2. General Requirements

- None identified.

### 3. Submission Requirements

- SWRCB Form 1, "Application to Appropriate Unappropriated Water": data on applicant, description of source, description of diversion (source, location, landowners, purpose, amount, season, and description of storage), dates for beginning and ending project, environmental impacts, names of other approving agencies, availability of reclaimed water, names of people currently diverting water downstream, description of applicant's water rights, and map indicating diversion site.
- SWRCB Form 1-1, "Supplement to Application", must be attached to Form 1 if applicant intends to divert water for uses other than irrigation, domestic stockwatering, recreation, and surface storage of 25 acre-ft or more.
- SWRCB Form 1-2, "Environmental Information", must be submitted if applicant intends to divert 1,200 gal of water or more per day or to divert or store 15 acre-ft of water or more per year.

### 4. Procedures for Obtaining Permit or Approval

#### Permit to Appropriate Water

- Application is submitted to the Division of Water Rights for review.
- Appropriate public agencies and interested persons are notified by the division about the application.
- Forty to 60 days are allowed for public comments to the Division.
- Depending on the nature and extent of protests, the Division may hold proceedings or public hearings to resolve issues.
- The Division prepares terms of the proposed permit and environmental document and forwards them to the Board for review.
- If the Board finds no criticism within 5 days, the Division processes the permit and environmental document for approval.

#### Temporary Permit

- Division reviews the application for completeness and accuracy.

## CHAPTER 5.5 (concluded)

- If sufficient water is available and appropriation will not harm downstream users, the Board will issue a temporary permit.
- The permit is valid for 6 months and is seldom renewed.

### 5. Operations Requirements

- Permittee must follow conditions imposed on the permit by SWRCB.
- Annual progress reports must be submitted to the Division.
- Diverted water must be of beneficial use and of approved purpose.
- Failure to use any or all of the appropriated water may result in loss of license for unused portion.

### 6. Fees

- SWRCB charges a minimum \$10 filing fee.
- Within 30 days of filing, the applicant must pay an additional fee based on amount of water diverted in cubic feet per second and on amount of water stored in acre-ft per year.

### 7. Appeal Process

- For both permits, decisions by SWRCB must be appealed in writing within 30 days of the Board's decision.
- Within 30 days of receiving an appeal, the SWRCB will decide whether to reconsider the decision.
- If the appeal is accepted, the permit action will be reconsidered at a public meeting.

## E. ADMINISTERING AGENCY

Completed applications should be submitted to:

- Chief  
State Water Resources Control Board  
Division of Water Rights  
77 Cadillac Drive  
Sacramento, CA 95825  
(916) 920-6301

Federal Agency:

- None identified.

## CHAPTER 5.6

### DIVERSION OF SURFACE WATER

#### INTRODUCTION

Statements of Water Diversion and Use are submitted to the State Water Resources Control Board (SWRCB), Division of Water Rights, so that diversions and uses may be recorded. With this information the Division manages the use of the state's water resources more efficiently.

#### A. NAME OF PERMIT OR APPROVAL:

- Statement of Water Diversion and Use (S)

#### B. STATUTORY AUTHORITY:

- California Water Code, Divisions 1 and 2

#### C. TITLE OF REGULATION:

- California Administrative Code, Title 23, Chapter 3

#### D. SUMMARY OF PERMIT/APPROVAL PROCESS

- Two copies of completed form SWRCB 40 are submitted to the Division.
- An identification number is assigned to the statements, and one copy is returned to the water user.

#### 1. Applicability

- Required for water diversions from a surface stream or lake for use on land adjacent to the water source.
- Also applies to diversions used on land not adjacent to the water resources, if diversion began prior to 1915.

#### 2. General Requirements

- None identified.

#### 3. Submission Requirements

- Form SWRCB 40, "Statement of Water Diversion and Use": names, addresses, and telephone numbers of person diverting water and of applicant, description of diversion (water source and tributary name, location, name of diversion works and its capacity), amount

## CHAPTER 5.6 (continued)

of annual water use, year of first water use, map, and supplemental statements.

### 4. Procedures for Obtaining Permit or Approval

- Two copies of Form SWRCB 40 are submitted to the Division of Water Rights.
- The Division assigns an identification number to the Statement and returns one copy to the water user.

### 5. Operations Requirements

- None identified.

### 6. Fees

- No fee is required.

### 7. Appeal Process

- None identified.

## E. ADMINISTERING AGENCY

- Chief  
State Water Resources Control Board  
Division of Water Rights  
77 Cadillac Drive  
Sacramento, CA 95825  
(916) 920-6471

Federal Agency:

- None identified.



## CHAPTER 5.7

### WATER RIGHTS FOR STOCKPONDS BUILT BEFORE 1969

#### INTRODUCTION

The State Water Resources Control Board (SWRCB) issues Certificates of Water Rights for stockponds to clarify the owner's right to water impounded by the stockpond. Water rights must be evaluated by SWRCB since it is responsible for assuring that state waters are put to the fullest possible beneficial use.

#### A. NAME OF PERMIT OR APPROVAL:

- Certification of Water Rights for Stockpond Built Prior to 1969

#### B. STATUTORY AUTHORITY:

- California Water Code, Divisions 1 and 2

#### C. TITLE OF REGULATION:

- California Administrative Code Title 23, Chapter 3

#### D. SUMMARY OF PERMIT/APPROVAL PROCESS

- Completed applications are submitted to the Division who notifies all interested agencies and persons of the claim.
- Applications are reviewed for accuracy and compliance with the Board's standards.
- Once conditions are met, the Board grants the Certificate of Water Rights to the applicant.

#### 1. Applicability

- Required for stockponds built prior to 1969 with a storage capacity of 10 acre-ft of water or less as of January 1, 1975.
- Required if owner chooses not to file an application for a Permit to Appropriate Water.

#### 2. General Requirements

- None identified.

## CHAPTER 5.7 (continued)

### 3. Submission Requirements

- Form SWRCB 45A, "Claim of Water Right for Stockpond Built Prior to January 1, 1969, and Application for Certification": name, address, and telephone number of applicant, location of stockpond, location of water source and tributary, description of stockpond (construction date, number and kind of livestock), names and addresses of other users of water from the source, local post office most frequently used by people near pond, history of water litigation prior to January 1, 1974.

### 4. Procedures for Obtaining Permit or Approval

- Applicant submits two copies of Form SWRCB 45A to the Division who, in turn, notifies the Board of Supervisors in the county where the stockpond is located, all potentially affected water users in area, and all interested persons.
- Protests to the claim are submitted to the SWRCB during the review period, and protests are resolved according to the procedures described for Permit to Appropriate Water (Chapter 5.5).
- Applicant's claim is investigated by the Division for accuracy, and an onsite inspection takes place.
- The Certificate of Water Rights is issued by the Board once the application is in compliance with the Board's standards.
- The process takes 2 to 3 months.

### 5. Operations Requirements

- The stockpond owner must file a statement with the Division every 5 years declaring that the water is used primarily as the water supply for stock.

### 6. Fees

- There is a \$10 filing fee.

### 7. Appeal Process

- Decisions by SWRCB must be appealed in writing within 30 days of the Board's decision.
- Within 30 days of receiving an appeal, the SWRCB decides whether to reconsider the decision. If the appeal is accepted, the permit action is reconsidered at a public meeting.

## CHAPTER 5.7 (concluded)

### E. ADMINISTERING AGENCY

- Chief  
State Water Resources Control Board  
Division of Water Rights  
77 Cadillac Drive  
Sacramento, CA 95825  
(916) 322-9118

Federal Agency:

- None identified.

## CHAPTER 5.8

### CONSTRUCTION AND EXPANSION OF A SOLID WASTE FACILITY

#### INTRODUCTION

The Solid Waste Facilities Permit Program regulates waste handling and disposal activities that may threaten the environment. Permits for solid waste facilities are issued by the local enforcement agency (LEA) designated by the Solid Waste Management Board (SWMB). When no local agency is willing to be the LEA, the SWMB fulfills this role directly.

#### A. NAME OF PERMIT OR APPROVAL:

- Solid Waste Facilities Permit (S)

#### B. STATUTORY AUTHORITY:

- California Government Code, Section 66700 et seq.

#### C. TITLE OF REGULATION:

- California Administrative Code, Title 14, Division 7

#### D. SUMMARY OF PERMIT/APPROVAL PROCESS

- Application is submitted to LEA for review.
- Copies of the application and proposed permit are forwarded to the SWMB.
- A public hearing is held after which the SWMB decides either to agree or object to the proposed permit.
- LEA then issues the final permit.

#### 1. Applicability

- Required to operate a solid waste facility or a transfer or processing station after August 15, 1977.

#### 2. General Requirements

- None identified.

## CHAPTER 5.8 (continued)

### 3. Submission Requirements

- Form SSWMB E-1-77, "Solid Wastes Facilities Permit Application": name of local enforcement agency, name and location of proposed facility, general description of facility, date project begins, names, addresses and telephone numbers of property owner and facility operator, and certification of authenticity.

### 4. Procedures for Obtaining Permit or Approval

- Applicant submits Form SSWMB E-1-77 to appropriate enforcement agency for review.
- Within 7 days of filing date, LEA forwards a copy of the application to the SWMB and a notice of application is sent to all interested persons.
- The SWMB holds a public hearing and either agrees or objects to the permit after considering information presented at the hearing.
- Once the Board agrees with the proposed permit, the LEA issues the final permit.
- The entire process takes 45 to 120 days.

### 5. Operations Requirements

- Within 30 days of transferring property rights to another party, the permittee must file a certified report with the LEA.
- Every 5 years the permittee must submit an application for permit review to the LEA.
- If facilities are to be modified in a manner inconsistent with conditions of the permit, a request for modification of permit must be submitted 120 days before modification is scheduled.

### 6. Fees

- Up to \$500 may be charged in filing fees.

### 7. Appeal Process

- If the Board denies the permit or if the applicant disagrees with the conditions of the permit, the applicant may request a public hearing within 15 days of the Board's decision.
- If the decision by the local agency's Hearing Panel is also unsatisfactory, the applicant may appeal to the SWMB within 30 days of the Panel's decision; decisions by the SWMB must be appealed in the courts.

## CHAPTER 5.8 (concluded)

### E. ADMINISTERING AGENCY

Permit applications should be submitted to the LEA with jurisdiction over proposed facility. When there is no LEA with jurisdiction over proposed facility, permit applications should be submitted to:

- Solid Waste Management Board  
P.O. Box 1743  
1020 9th Street, Suite 300  
Sacramento, CA 95806  
(916) 322-6172

Federal Agency:

- U.S. Environmental Protection Agency  
Region IX  
215 Fremont Street  
San Francisco, CA 94111  
(415) 556-7882

## CHAPTER 5.9

### CREATION OF A LOW-LEVEL RADIOACTIVE WASTE DISPOSAL SITE

#### INTRODUCTION

Approval of a Low-level Radioactive Waste Disposal Site must be obtained from the Radiologic Health Section of the Department of Health Services. Before the Department can issue the permit, the Resources Agency must determine that operation of the site would be an economic benefit to atomic energy development in California. The Department must also determine that the disposal site is operated safely and in accordance with the laws of the State of California.

#### A. NAME OF PERMIT OR APPROVAL:

- Approval of a Low-level Radioactive Waste Disposal Site (S)

#### B. STATUTORY AUTHORITY:

- None identified.

#### C. TITLE OF REGULATION:

- Radiation Control Law, California Health and Safety Code, Section 25800
- California Radiation Control Regulations, California Administrative Code, Title 17, Sections 30100 et seq.

#### D. SUMMARY OF PERMIT/APPROVAL PROCESS

- A letter providing required information and an environmental impact statement (EIS) are submitted to the Resources Agency and Department of Health Services.
- When all CEQA requirements have been met and the project has been deemed of economic benefit to the state by the reviewing agencies, the license may be approved.

#### 1. Applicability

- Required for low-level radioactive waste disposal sites.

## CHAPTER 5.9 (continued)

### 2. General Requirements

- Before the Health Services Department can grant the permit, it must receive a finding from the Resources Agency that the operation of the site would be of economic benefit to atomic energy development in California.
- The proposed operation must meet CEQA requirements.

### 3. Submission Requirements

- Letters serve as application forms and must include the following information: description of project (location, cost, names of builders, owners and operators, design of facility, method of operation, monitoring plans, justification), radiation safety program, and an EIS on the proposed project.

### 4. Procedures for Obtaining Permit or Approval

- The Resources Agency reviews information provided by applicant while the Radiologic Health Section in the Department Health Services concurrently processes the application.
- When all CEQA requirements have been met and the Resources Agency makes a finding of economic benefit, the license may be approved.
- The entire process may take about 1 year.

### 5. Operations Requirements

- The Radiologic Health Section determines all responsibilities on a case-by-case basis and lists them on the license.
- The license is specific and conditional, incorporating by reference the entire application as a condition of the license.

### 6. Fees

- Application fee is \$30,000; license fee is \$300,000.

### 7. Appeal Process

- There is no formal appeal of permit denial from Resources Agency except through the courts.
- Rejection of application by the Radiologic Health Section may be appealed through administrative hearing within the Department of Health Services; if the Director of Department of Health Services denies permit application, further appeals must be taken to the courts.



## CHAPTER 5.9 (concluded)

### E. ADMINISTERING AGENCY

- Secretary  
The Resources Agency  
1416 9th Street, Room 1311  
Sacramento, CA 95814  
(916) 445-5656
- Chief  
Department of Health Services  
714 P Street  
Sacramento, CA 95814  
(916) 445-0931

#### Federal Agency:

- U.S. Nuclear Regulatory Commission  
1717 H Street  
Washington, DC 20555

## CHAPTER 5.10

### HAZARDOUS WASTE FACILITY

#### INTRODUCTION

Approval of a Hazardous Waste Facility Permit must be obtained from the Hazardous Materials management Section of the Department of Health Services. The Department is responsible for ensuring that hazardous waste facilities are operated safely and in accordance with the laws of the State of California and the federal government.

#### A. NAME OF PERMIT OR APPROVAL:

- o Hazardous Waste Facility Permit (S)

#### B. STATUTORY AUTHORITY:

- o Hazardous Waste Control Law
- o California Health and Safety Code, Sections 25100 et seq.

#### C. TITLE OF REGULATION:

- o California Administrative Code, Title 22, Division 4, Chapter 30

#### D. SUMMARY OF PERMIT/APPROVAL PROCESS

- o Completed application is submitted to regional office of Hazardous Materials Management Section in the Department of Health Services.
- o Draft permit is issued by the Department of Health Services for review by other local agencies.
- o Department of Health Services prepares an environmental document and holds a public hearing.
- o Final approval/denial is granted by the Department of Health Services.

#### 1. Applicability

- o Required in order to establish, operate or maintain a hazardous waste facility which treats, stores or disposes of hazardous wastes.

#### 2. General Requirements

- o None identified.

## CHAPTER 5.10 (continued)

### 3. Submission Requirements

- Information requested on the application and "Plan of Operation" include: list of equipment, operational procedures, map, types of wastes to be received, and environmental information about the site.

### 4. Procedures for Obtaining Permit or Approval

- Project sponsor submits completed application materials to regional office of Hazardous Materials Management Section in the Department of Health Services.
- If application meets state and federal guidelines, a final permit is issued; otherwise, the Department of Health Services prepares a draft permit for review by other local agencies, including the regional Water Quality Control Board.
- An environmental document is prepared by the Department of Health Services, and a public hearing is held.
- Final decision for permit approval/denial is made by the Hearing Officer in the Department of Health Services.

### 5. Operations Requirements

- Permittee must follow conditions attached to permit for types of waste handled and operating requirements.
- Permit is subject to review every 5 years and to periodic modifications, if necessary.
- Permittee must modify operational problems as directed by the Department of Health Services.

### 6. Fees

- No fees are required.

### 7. Appeal Process

- If permit is denied, appeals must be made to the Director, Department of Health Services.

## E. ADMINISTERING AGENCY

Applications for Hazardous Waste Facility Permits must be submitted to the appropriate regional office of the Hazardous Materials Management Section in the area of the proposed facility. To find out which regional office has jurisdiction over the proposed project, the following agency should be contacted:

## CHAPTER 5.10 (concluded)

- Radiologic Health Section  
Department of Health Services  
555 Capitol Mall, Room 1455  
Sacramento, CA 95814  
(916) 322-2073

### Federal Agency:

- Hazardous Materials Branch  
EPA Region IX  
215 Fremont Street  
San Francisco, CA 94111

## CHAPTER 5.11

### NOISE REGULATIONS

#### INTRODUCTION

Currently, no regulations, permits, or approvals exist at the state level for management of noise. Noise is regulated at the local government level under the "General Plan" adopted by each city and county government (see Section 7.0). Local government agencies having jurisdiction over noise in proposed project areas should be contacted for further information.

SECTION 6.0

SOCIAL/ECOLOGICAL PRESERVATION

## CHAPTER 6.1

### ALTERATION OF A STREAM OR LAKE

#### INTRODUCTION

The Department of Fish and Game enters into Stream or Lake Alteration Agreements to protect the fish and wildlife resources of the state. A project is evaluated by the Department at the regional level for its anticipated impact on fish and wildlife resources in the potentially affected area. In addition to its regulatory role, the Department reviews and makes recommendations concerning federal, state, and county permits for projects that may affect fish and wildlife.

#### A. NAME OF PERMIT OR APPROVAL:

- Stream or Lake Alteration Agreement (S)

#### B. STATUTORY AUTHORITY:

- California Fish and Game Code, Sections 1601 and 1603

#### C. TITLE OF REGULATION:

- California Administrative Code, Title 14, Section 390

#### D. SUMMARY OF PERMIT/APPROVAL PROCESS

- Completed form FG 2023 is reviewed by appropriate Fish and Game office.
- Local warden recommends modifications and mitigating measures concerning project.
- Upon agreement with the warden's recommendations, sponsor signs Agreement form and commences project.

#### 1. Applicability

- Permit is required for all activities that change the natural state of any river, stream, or lake and applies to any work undertaken within the mean high-water mark of a body of water containing fish or wildlife resources, or to any work where the project sponsor will use material from the streambed.

## CHAPTER 6.1 (continued)

### 2. General Requirements

- None identified.

### 3. Submission Requirements

- Form FG 2023: data on sponsor, agent, property owner, and operator, proposed date to begin activity, location of project, nature of proposed activity, effects of activity, actions proposed to protect fish and wildlife, available environmental documentation about proposed project, and description of proposed construction methods.
- Map showing areas of operation and public access.

### 4. Procedures for Obtaining Permit or Approval

- Applicant submits completed form FG 2023 to appropriate regional Fish and Game office and project is assigned to a local warden.
- The warden determines if an onsite inspection is necessary and makes recommendations on proposed activity within 30 days of receipt of FG 2023.
- Modifications and mitigation measures are suggested to the applicant who then has 14 days to accept or reject modifications.
- Upon agreement with warden's proposed recommendations, the sponsor signs Agreement (FG 1060) and begins approved project.

### 5. Operations Requirements

- The Department of Fish and Game must be allowed to inspect the project at any time.
- New applications must be submitted to the Department when activity differs from work approved under original agreement.

### 6. Fees

- There is no application fee.

### 7. Appeal Process

- If applicant does not agree to warden's recommendations, an arbitration panel must be established and within 14 days must settle disagreements and make binding decisions concerning proposed modifications.



## CHAPTER 6.1 (concluded)

### E. ADMINISTERING AGENCY

- Director  
State Headquarters  
Department of Fish and Game  
1416 9th Street, 12th Floor  
Sacramento, CA 95814  
(916) 445-1383

#### Federal Agency:

- Area Manager  
U.S. Fish and Wildlife Service  
2800 Cottage Way  
Sacramento, CA 95825

## CHAPTER 6.2

### STANDARD SUCTION DREDGING

#### INTRODUCTION

The state and regional offices of the Department of Fish and Game regulate the use of suction and vacuum dredging equipment in order to ensure a stable environment for fish and wildlife resources in California waters, including waters flowing across federal land.

A. NAME OF PERMIT OR APPROVAL:

- Standard Suction Dredging Permit (S)

B. STATUTORY AUTHORITY:

- California Fish and Game Code, Sections 1601, 1602, 1603, 5650, 5652, 5653, 5800, and 11037

C. TITLE OF REGULATION:

- California Administrative Code, Title 14, Section 228

D. SUMMARY OF PERMIT/APPROVAL PROCESS

- Completed forms and fees are submitted to state or regional Fish and Game office for review.
- Permit application is approved once all specified conditions are met.

1. Applicability

- Anyone proposing to use suction or vacuum dredging equipment with an intake diameter of 12 in. or less in any river, stream, or lake designated as open.
- Applies only to rivers, streams, and lakes designated as "open".

2. General Requirements

- None identified.

## CHAPTER 6.2 (continued)

### 3. Submission Requirements

- DFG Form 965, "Application for Standard Permit to Operate Vacuum or Suction Dredge": name, address, and telephone number of applicant, and description of dredging operation.

### 4. Procedures for Obtaining Permit or Approval

- Completed forms and fees are submitted by applicant to state or regional Fish and Game office for review.
- Permit is automatically approved if it meets specified conditions.
- Department must make recommendations of conditions to applicant within 30 days; applicant has 14 days to accept or reject conditions.

### 5. Operations Requirements

- Permittee may only use equipment specified in permit.
- Permittee cannot change bed, bank, or channel of any river, stream, or lake if change will impair fish habitat.
- Permittee cannot trespass on privately owned land.
- Dredge equipment cannot be used to wash dirt or gravel above water's surface.

### 6. Fees

- Application fee is \$5.00.

### 7. Appeal Process

- None identified.

## E. ADMINISTERING AGENCY

Applications for permit should be directed to state headquarters or to regional Fish and Game office in area in which proposed dredging activity will occur.

- Director  
State Headquarters  
Department of Fish and Game  
1416 9th Street, 12th Floor  
Sacramento, CA 95814  
(916) 445-1383

Federal Agency:

- None identified.

## CHAPTER 6.3

### SPECIAL SUCTION DREDGING

#### INTRODUCTION

The state and regional offices of the Department of Fish and Game regulate the use of suction and vacuum dredge equipment in order to ensure a stable environment for fish and wildlife resources in California's waters, including waters flowing across federal land.

#### A. NAME OF PERMIT OR APPROVAL:

- Special Suction Dredging Permit (S)

#### B. STATUTORY AUTHORITY:

- California Fish and Game Code, Sections 5650, 5652, 5653, 5800, and 11037

#### C. TITLE OF REGULATION:

- California Administrative Code, Title 14, Section 228

#### D. SUMMARY OF PERMIT/APPROVAL PROCESS

- Applicant submits completed form to Regional Manager for processing.
- Manager determines if an onsite inspection is needed.
- Application is processed in 2 weeks or less depending on whether or not the site must be inspected.

#### 1. Applicability

- Permit is required for persons using suction or vacuum dredging equipment with an intake diameter of 12 in. or more.
- Also applies to rivers, streams, and lakes that the Department of Fish and Game designates as "closed".

#### 2. General Requirements

- None identified.

## CHAPTER 6.3 (continued)

### 3. Submission Requirements

- DFG Form 964, "Application for Special Permit to Operate Vacuum or Suction Dredge": name, address, and telephone number of applicant, type of operation, size of dredging equipment, dates of dredging, location of dredging, and explanation and justification for need to dredge.

### 4. Procedures for Obtaining Permit or Approval

- After receiving application, Regional Manager determines if an onsite inspection by a warden is necessary.
- Application is processed in less than 2 weeks if no inspection is needed.
- If site must be inspected, application will be processed in about 2 weeks.

### 5. Operations Requirements

- Only equipment specified in permit may be used.
- The bed, bank, or channel of any river, stream, or lake may not be changed, if such change will impair fish habitat.
- Permittee cannot trespass on privately owned land.
- Dredging equipment cannot be used to wash dirt or gravel above the water's surface.

### 6. Fees

- Fees range from \$5 to \$75 for each application.

### 7. Appeal Process

- None identified.

## E. ADMINISTERING AGENCY

Applications should be directed to state headquarters in Sacramento or to the regional Fish and Game office in the area in which proposed activity will take place.

### CHAPTER 6.3 (concluded)

- Director  
State Headquarters  
Department Fish and Game  
1416 9th Street, 12th Floor  
Sacramento, CA 95814  
(916) 445-1383

Federal Agency:

- None identified.

## CHAPTER 6.4

### DREDGING IN STATE-OWNED WATERS

#### INTRODUCTION

Permits for dredging in state-owned waters are issued by the State Lands Commission. The Commission is required to manage state-owned lands and their resources in the best interest of the people of California. As legal owner, the Commission may issue dredging permits or other entitlements for use of the tidelands and submerged lands under its jurisdiction.

A. NAME OF PERMIT OR APPROVAL:

- Dredging Permit (S)

B. STATUTORY AUTHORITY:

- California Public Resources Code, Section 6200 et seq.

C. TITLE OF REGULATION:

- California Administrative Code, Title 2, Division 3, Section 200 et seq.

D. SUMMARY OF PERMIT/APPROVAL PROCESS

- Applicant submits appropriate forms to State Lands Commission for review by Energy and Mineral Resources Development Division (EMRDD).
- Application is evaluated to determine jurisdiction and need for environmental study.
- Depending on size of project, Commission or Executive Director approves or denies permit.

1. Applicability

- Required for dredging in state-owned swamps, overflows, marshes, tidelands, and submerged lands, or in beds of navigable waters where the State has mineral rights.
- Applies to improving navigation, flood control, and construction.

2. General Requirements

- None identified.

## CHAPTER 6.4 (continued)

### 3. Submission Requirements

- Form 52.1, "Application for Permit or Lease of State Lands": names, addresses, and telephone numbers of applicant and agent, location of state land involved, landward property owner's name, location of upland property, purpose of lease or permit, and identification of pertinent public agencies.
- Form 69.3, "Environmental Information Form": other required public approvals, zoning of site and present use, proposed use, description of project, environmental effects of project, environmental setting of site, and additional support documents.

### 4. Procedures for Obtaining Permit or Approval

- Applicant submits appropriate forms to State Lands Commission for review by EMRDD for completeness and accuracy.
- Description of the land is sent to Commission's Boundary Unit to determine if land falls under the jurisdiction of Commission.
- EMRDD initiates environmental study and decides if a rent appraisal of the land should be conducted; it also prepares all legal documents and final environmental report for Commission review.
- Entire review process takes 1 to 6 months, and permits are valid for the life of the project.

### 5. Operations Requirements

- Project sponsor must abide by all terms and conditions in permit.

### 6. Fees

- There is a \$25 filing fee and minimum expense deposit of \$300; deposit may be increased for more complex applications.
- Commission charges a fee for preparing necessary environmental documents.

### 7. Appeal Process

- Permit decisions by Commission may not be appealed; however, applications may be resubmitted as originals for consideration.



## CHAPTER 6.4 (concluded)

### E. ADMINISTERING AGENCY

- Executive Director  
State Lands Commission  
1807 13th Street  
Sacramento, CA 95814  
(916) 322-7802

#### Federal Agency:

- District Engineer  
U.S. Army Corps of Engineers  
San Francisco District  
211 Main Street  
San Francisco, CA 94105
- District Engineer  
U.S. Army Corps of Engineers  
Los Angeles District  
300 North Los Angeles Street  
Los Angeles, CA 90012

## CHAPTER 6.5

### DEVELOPMENT IN THE COASTAL ZONE

#### INTRODUCTION

The Coastal Development Permit is issued by the appropriate Regional Coastal Commission having jurisdiction over the area in which the proposed project is located. The Commission is responsible for ensuring that development in the coastal zone conforms with the policies in the Coastal Zone Act of 1976. The jurisdiction of the Commission does not include those coastal areas over which the San Francisco Bay Conservation and Development Commission (BCDC) has permit authority (see Chapter 4.13).

#### A. NAME OF PERMIT OR APPROVAL:

- Coastal Development Permit (S)

#### B. STATUTORY AUTHORITY:

- California Coastal Act of 1976
- California Public Resources Code, Sections 3000 et seq.

#### C. TITLE OF REGULATION:

- California Administrative Code, Title 14, Section 1300 et seq.

#### D. SUMMARY OF PERMIT/APPROVAL PROCESS

- After receiving approval from other state and local permit-granting agencies, project sponsor submits complete application and fee to Regional Commission for review.
- Application is processed in one of four ways depending upon extent of environmental impact, nature of the project, or state of emergency.
- Decisions concerning permit may be made by Executive Director or entire Commission depending on manner in which it was processed.
- Except for emergency permits, all appeals must be directed to State Commission.

## CHAPTER 6.5 (continued)

### 1. Applicability

- Permit is required for most development activities within the coastal zone which generally extends from 3 mi offshore to 1,000 yd inland from mean high tide of the sea.

### 2. General Requirements

- Executive Director of the Regional Commission officially accepts an application for permit only after other state or local permit-granting agencies have issued preliminary approval for the project.
- Proposed activity must be consistent with local coastal plan and the state coastal plan.

### 3. Submission Requirements

- "Application for Permit": information about applicant, detailed project description, description of property, and a series of attachments.

### 4. Procedures for Obtaining Permit or Approval

#### Public Hearing Items.

- Applies to projects having significant environmental impact.
- Project sponsor posts a notice of the proposed project at the site and submits a completed application to the Commission.
- The Executive Director prepares a summary of the proposed project as required by CEQA.
- Copies of the summary are forwarded to the applicant, Commission members, cities, counties, state agencies, and other parties with interest in the project.
- A public hearing is held before the Commission, and the Commission votes on the application, with a majority vote necessary for approval.
- The entire process takes about 45 days.

#### Consent Calendar Items.

- Applies to projects not having significant environmental impact.
- Procedures for consent calendar items are generally the same as those for public hearing items except that the Commission treats

## CHAPTER 6.5 (continued)

the entire consent calendar as a single application at one public hearing.

- If the Commissioners request removal of an item from the calendar, the staff processes the application as a public hearing item.

### Administrative Items.

- Applies to certain improvement projects.
- Administrative items are generally processed the same as public hearing items except that the Executive Director acts on them alone.
- An application treated as an administrative item may be processed as a public hearing item if Commissioners request a regular public hearing or if the original application was denied by the Executive Director.

### Exemptions.

- Applies to projects exempt from permit requirements.
- The project sponsor must submit a claim of exemption to the Executive Director of the Commission.
- The Executive Director investigates the claim and submits a recommendation to the Commission.
- The Commission decides whether to approve/deny a claim.

### Emergency Permits.

- Project sponsor must apply to the Executive Director for an emergency permit by phone, letter, or in person indicating the nature, location, and cause of emergency, proposed project and probable consequences of failure to rectify it.
- If time permits, the Director will give other agencies and the public an opportunity to review the proposed project.
- Request for emergency permit may be granted if (1) the proposed project is necessary to prevent loss or damage to life, health, property, or essential public services; (2) time does not allow the Commission to follow normal procedures; and (3) the proposed project complies with the California Coastal Act.

## 5. Operations Requirements

- Permittee must comply with all terms and conditions of the Coastal Development Permit.

## CHAPTER 6.5 (concluded)

### 6. Fees

- Fees vary according to type and cost of project; if cost of total project is less than \$1,000, the Commission may reduce fee to not less than \$25.00.
- Applicant may be required to reimburse Commission for additional reasonable expense in its consideration of permit application.

### 7. Appeal Process

- Decisions made by the Regional Commission on public hearing items, administrative items, calendar items, and exemptions must be appealed to the California Coastal Commission within 10 working days.
- A written appeal must be filed with a "Statement of Fact" to substantiate reasons for the appeal. Upon accepting the appeal, the Executive Director must schedule a hearing, and the State Commission determines if the decision by the Regional Commission should stand or be overruled.
- Decisions made by the Executive Director concerning emergency permits may not be appealed; however, the project sponsor may submit a permit application according to normal procedures.

### E. ADMINISTERING AGENCY

- Project sponsors should submit applications to the Regional Coastal Commission for the area in which the proposed project is located.

Appeals from decisions made by the Regional Commission should be directed to:

- Executive Officer  
California Coastal Commission  
631 Howard Street  
San Francisco, CA 94015  
(415) 543-8555

Federal Agency:

- None identified.

## CHAPTER 6.6

### RARE AND ENDANGERED SPECIES

#### INTRODUCTION

No permits or approvals which regulate or protect rare and endangered species presently exist at the state level. However, permit applications for proposed projects are subject to review by the Department of Fish and Game for anticipated impacts on rare and endangered species occurring in the vicinity of project areas. Further information may be obtained by contacting:

Director  
State Headquarters  
Department of Fish and Game  
1416 9th Street, 12th Floor  
Sacramento, CA 95814  
(916) 445-1383

## CHAPTER 6.7

### ARCHAEOLOGICAL AND HISTORICAL PRESERVATION

#### INTRODUCTION

No state permits or approvals presently exist which regulate archaeological and historical preservation. If sites of archaeological or historical interest occur in a proposed development area, permit applications submitted to public agencies may be subject to review and comments by the Department of Parks and Recreation. Further information may be obtained by contacting:

Historic Preservation Officer  
Department of Parks and Recreation  
1220 K Street  
Sacramento, CA 95814  
(916) 445-8006

SECTION 7.0  
LOCAL REGULATORY POLICY



CHAPTER 7.1  
LOCAL GOVERNMENT LAND USE AND NATURAL RESOURCE  
CONTROL ENABLING LAWS

In California, land use decisions at the local level are made by cities, counties, special districts, and local agency formation commissions. City and county land use control is essentially a three-tier process: planning, zoning, and subdivision review. While some differences exist between municipalities, state laws have ensured a degree of similarity in the local systems. Under the State Planning Act, every city and county must prepare a general plan for its own future development.

In addition to the requirement for adopting a general plan, state law requires every city and county to enact a zoning ordinance with which to control land use on a project-by-project basis. By law, the zoning ordinance as well as all zoning decisions must be consistent with the general plan. Also, under the Subdivision Map Act, each city and county must carefully review any proposed land decision to see that certain environmental standards are not violated.

Besides the state mandated planning, zoning, and subdivision approval processes, each municipality has adopted local ordinances requiring permits for various aspects of development. While permits vary from municipality to municipality, some of those that are typically required include building permits, architectural review, grading, historic preservation, geology, seismic safety, and a variety of others that have been adopted to control particular aspects of land use. In most jurisdictions, permits are not centrally administered but must be obtained separately from numerous county departments.

In addition to city and county government itself, several other forms of local government are involved in the permit process. For projects being proposed on land that must be annexed to a municipality, approval for the annexation must be obtained from the county's Local Agency Formation Commission. California also has approximately 5,000 special districts which often must approve services required by projects before they may commence.