

4.21 REGULATORY AND INSTITUTIONAL REQUIREMENTS

This section identifies federal, state, and local permits and approvals that may be required to implement the DNA project based on the analyses of individual resources in Sections 4.2 through 4.19.

The permits, approvals, and document requirements presented in Table 4.21-1 includes typical agency processing time for each permit or approval. As evidenced by the various federal, state, and local requirements, the process for obtaining some of these permits, licenses, or approvals may be time- and labor-intensive.

Table 4.21-1 Potentially Applicable Permits and Approvals for DNA Project			
Permit License/Activity	Action Requiring Approval	Implementing Agency	Application Process and Timeframe for Approval
Water Resources			
<i>Clean Water Act Requirements – stormwater, water discharges, wetlands, and spill prevention</i>			
Stormwater Permit National Pollutant Discharge Elimination System Permit Application for Stormwater Associated with Construction Activity Stormwater Pollution Prevention Plan for Construction Activity	Discharge of stormwater during construction and operation to storm drains or surface water.	Central Valley Regional Water Quality Control Board (RWQCB)	Comply with the City's Standard Specifications for Public Works Construction, the County's Standard Construction Specifications, and related local requirements. Compliance with construction-phase stormwater regulations would be required in accordance with the Sacramento County Land Grading and Erosion Control Ordinance (Chapter 16.44 of the Sacramento County Code). General permits issued by the state cover both types of discharges. A Notice of Intent must be submitted to the state. Authorization is already granted by the General Permit as long as permit conditions are met. The SWPPP outlines compliance with the General Permit. <i>Timeframe: 1 day to submit the Notice of Intent</i>

Table 4.21-1 (Cont'd)			
Potentially Applicable Permits and Approvals for DNA Corridor Project			
Permit License/Activity	Action Requiring Approval	Implementing Agency	Application Process and Timeframe for Approval
National Pollutant Discharge Elimination System Permit Application for Stormwater Associated with Construction Activity – Low-Threat Discharges	Dewatering may be required for tunnel or extra excavation. Water from construction sites could contain pollutants that could enter the environment if discharged to surface water.	Central Valley RWQCB	The RWQCB has adopted a water quality order addressing low threat discharges of groundwater to surface water (Order No. 5-00-175, NPDES No. CAG995001). Authorization is already granted by the General Permit as long as permit conditions are met. <i>Timeframe: 1 day to submit NOI</i>
Water Quality Certification (Section 401)	Impacts to Wetlands/Waters of the U.S. resulting from discharge of fill material during construction.	Central Valley RWQCB	Application for Certification must be submitted to the RWQCB, and the certification must be issued (and the requirement for issuance of Waste Discharge Requirements must be waived) prior to authorization to discharge fill into Waters of the U.S. <i>Timeframe: 3 months</i>
Application to Discharge Fill into Wetlands/Waters of the U.S. (Section 404).	Impacts to Wetlands/Waters of the U.S. resulting from discharge of fill material during construction.	U.S. Army Corps of Engineers	Contact USACE for pre-application meeting. Submit a wetland delineation and an alternatives analysis. <i>Timeframe: 6 to 12 months</i>
Section 10 of the Rivers and Harbors Act	Construction of the new bridge across the American River would affect a navigable Waters of the U.S.	USACE	Authorization will be processed concurrently with action under Section 404 of the Clean Water Act. <i>Timeframe: 6 to 12 months</i>
The General Bridge Act of 1946 as amended	Construction of the new bridge across the American River would affect a navigable Waters of the U.S.	U.S. Coast Guard	Follow Commandant Publication P165591.3B to obtain a Bridge Permit from the U.S. Coast Guard's Office of Bridge Administration. <i>Timeframe: 9 to 12 months</i>
Streambed Alteration Agreement	Construction within the American River Parkway is under the jurisdiction of the CDFG for protection of biological resources (Section 1600 et seq. of the Fish and Game Code).	California Department of Fish and Game (CDFG)	Satisfy Code 1600 et sec. for any work at, in or near the American River. <i>Timeframe: 3 months</i>

Table 4.21-1 (Cont'd)			
Potentially Applicable Permits and Approvals for DNA Corridor Project			
Permit License/Activity	Action Requiring Approval	Implementing Agency	Application Process and Timeframe for Approval
Air Quality			
Meet Air Quality Regulations and Permit Requirements	Construction activities may cause significant short-term effect on air quality.	Sacramento Metropolitan Air Quality Management District	
Biological Resources			
<i>Endangered Species Act Requirements – Threatened and Endangered Species, Critical Habitats, etc</i>			
Threatened and Endangered Species Clearance Section 7 Consultation	Required as a result of potential impacts to species in the American River Parkway.	U.S. Fish and Wildlife Service and National Oceanic and Atmospheric Administration, National Marine Fisheries Service	A determination of potential impacts to species shall require review and concurrence from the USFWS and NOAA Fisheries. <i>Timeframe: 30 to 60 days for review and up to 6 months for issuance of a Biological Opinion</i>
Historical/Cultural			
<i>National Historic Preservation Act Requirements – cultural and historic resources</i>			
Determination of compliance with National Historic Preservation Act Section 106.	A project requiring a federal undertaking, including receiving federal grants or permits, requires the permitting agency to initiate a cultural resource review prior to issuing the permit. Archaeological clearance will likely be required for the proposed project site.	California State Historic Preservation Office (SHPO) and the Advisory Council on Historic Preservation	Consultation with the SHPO and Native American Tribes. Preparation of a Section 106 Report.
Hazardous Materials			
Phase II Environmental Site Assessment	During construction, the project may intercept hazardous materials or hazardous materials spills could occur.	California Department of Environmental Toxic Substance Control	Submit the Phase II Analysis with a Materials Management Plan prior to construction.
Encroachment Permits			
Project use of International Airport Property	Compliance with Federal Aviation Administration Order 158.15(A), 553 according to AIP Handbook (Oct 24, 1989)	Federal Aviation Administration	Submit environmental document to FAA for review

Table 4.21-1 (Cont'd)			
Potentially Applicable Permits and Approvals for DNA Corridor Project			
Permit License/Activity	Action Requiring Approval	Implementing Agency	Application Process and Timeframe for Approval
Approval of new grade crossings and meeting safety requirement of railway design	Permit	California Public Utilities Commission (CPUC)	Submit Design package for approval <i>Timeframe: TBD during Preliminary Engineering</i>
Crossing State and Federal Highways: I-80, SR 99	Approval of adequate vertical clearance over I-80 and SR 99 and any encroachment permits for working inside Caltrans property.	Caltrans for interstate and state roads	Submit copies of relevant plans and specifications, environmental documentation, Encroachment Permit application form, geotechnical reports, and a vicinity map. <i>Timeframe: 2 to 6 months</i>
Street Tree Removal Permit	Change in the roadway configuration along Truxel Road	City of Sacramento	Removal of trees would require a permit from the City, including compensation plantings or in-lieu fee payment. <i>Timeframe: 6-8 weeks prior to tree removal</i>
Land Use Resource			
Roadway access permit (state/county/city)	Easement and construction permits for crossing, construction on, or disturbance of local roads	City of Sacramento Sacramento County Planning Office	Application for an access permit varies. It is established through a City/County MOU. <i>Timeframe: TBD by permit administrator on a project-by-project basis</i>
Permit for use within the Public Trust Easement	Entering in the American River, which is subject to Title 2, Division 3, Chapter 1, California Administrative Code Article II Regulations Protecting Environmentally Significant Lands	State Lands Commission	Submit application for a Land Use Lease and negotiate lease terms with the State Lands Commission. <i>Timeframe: Submit 60 days prior to the start of construction</i>
Levee Encroachment Permit	Construction of the new bridge will require encroachments onto the north and south levees of the American River.	State Reclamation Board and RD 1000 for the north levee and American River Flood Control District the south levee	Submit Encroachment Permit application to the Reclamation Board and obtain endorsement from local levee district. <i>Timeframe: 3 months</i>