



County of Sonoma

State of California

Date: August 30, 2022

Item Number: 2022-0663

Resolution Number: _____

4/5 Vote Required

**Resolution Of The Board Of Supervisors Of The County Of Sonoma, State Of California,
Making Responsible Agency Findings Under CEQA and Issuing A Roiling Permit and Permit
Extensions Pursuant Section VIII Of Ordinance No. 3836R (Sonoma County Code § 23-3) To
The City Of Santa Rosa For Delta Pond Discharge Diffuser Maintenance At The Laguna
Treatment Plant At Santa Rosa Creek**

Whereas, Section VIII of Ordinance No. 3836R (codified as Sonoma County Code § 23-3) requires that an application for a permit (a “roiling permit”) be approved by the Board of Supervisors prior to the performance of certain prescribed work or operations in a river, stream or channel which may decrease the clarity of a river or stream; and

Whereas, in compliance with Board of Supervisors Resolution No. 94-1053 of the Board of Supervisors, the City of Santa Rosa filed an application with Permit Sonoma for an Ordinance No. 3836R roiling permit to authorize work in Santa Rosa Creek for the Delta Pond Discharge Diffuser Maintenance Project (“Diffuser Project”) at the City’s Laguna Treatment Plant; and

Whereas, on January 20, 2022, pursuant to the California Environmental Quality Act (CEQA), the City of Santa Rosa as CEQA lead agency adopted a Mitigated Negative Declaration (MND), including mitigation measures to reduce environmental impacts to a level of less than significant, and environmental findings for the Delta Pond Discharge Diffuser Maintenance Project (“Diffuser Project”) at the City’s Laguna Treatment Plant. The City approved the Diffuser Project in the same hearing on January 20, 2022; and

Whereas, the Ordinance 3836R roiling permit is one of the permits required to carry out

the Diffuser Project, which consists of maintenance work on the existing Delta Pond discharge diffuser in Santa Rosa Creek and involves dredging sediment from the diffuser nozzles and possible modifications to the existing diffuser; and

Whereas, the Diffuser Project is necessary to allow the City to operate Delta Pond to its fullest capacity for recycled water use and storage, and ensure that any permitted discharges from the pond will meet the City's NPDES permit receiving water requirements; and

Whereas, the California Department of Fish and Wildlife incorporated measures in the Streambed Alteration Agreement for the project as necessary to protect existing fish and wildlife resources, and the City is required to comply with those measures; and

Whereas, on July 11, 2022, the North Coast Regional Water Quality Control Board (Regional Board) as a CEQA Responsible Agency and with respect to the discharge to waters of the State associated with the Diffuser Project, notified the City that the Diffuser Project qualifies as Minor Dredging and Fill Operations under Regional Water Board Order R1-2017-0039, Conditional Waiver of Waste Discharge Requirements for Specific Categories of Low Threat Discharge (Conditional Waiver), that the project is consistent with the Water Quality Control Plan for the North Coast Region, and that the Diffuser Project is covered under the Conditional Waiver; and

Whereas, the County, as CEQA Responsible Agency, has considered the MND and verified that the MND adequately analyzes the potential environmental impacts associated with the County's limited role as a Responsible Agency; and

Whereas, the Board of Supervisors has reviewed said application and MND, together with the Regional Board's notice of applicability and CDFW's approval of the project's streambed alteration agreement; and

Whereas, the work requires greater than 30 days to complete, as described in the application; and

Whereas, the requirements of Ordinance No. 3836R Section VIII (Sonoma County Code

§ 23-3) include a restriction to perform permitted activities within a period of 30 days, except that additional 30-day permit periods may be granted by the Board of Supervisors, and a requirement that all approval votes be by a 4/5th majority of the Board of Supervisors;

Now, Therefore, Be It Resolved that:

1. The Board of Supervisors finds and determines that the work and operations described on said application is necessary and that the work and operations will be performed in a manner which will not unreasonably decrease the clarity of the waters of the rivers or streams of the County of Sonoma.
2. In the County's limited role as a Responsible Agency under CEQA, the Board has reviewed and considered the information contained in the MND and finds that, as to those potential environmental impacts within the County's powers and authorities as Responsible Agency in issuing a roiling permit, the MND contains a complete, objective and accurate reporting of the Diffuser Project's potential impacts. The Board finds that no significant adverse environmental impacts will occur as a result of issuance of the roiling permit and that no further or additional CEQA analysis is required. These findings and determination reflect the independent judgment and analysis of the Board.
3. The Board hereby approves a roiling permit for the Diffuser Project as described in the City's application and analyzed and mitigated in the MND. The Director of Permit Sonoma, or designee, is authorized to issue a written permit to do the work described in the application and MND, consistent with this Resolution. The work shall be performed in accordance with all provisions of the Sonoma County Code, including but not limited to Ord. 3836R (Sonoma County Code § 23-3).
4. Permit extensions are hereby granted to the City to perform the work described herein for additional 30-day periods commencing on or about October 1, 2022 for one or more periods ending no later than October 31, 2022.

The Board of Supervisors designates the Clerk of the Board as the custodian of the documents and other material that constitute the record of proceedings upon which

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the decision herein is based. These documents may be found at the office of the Clerk of the Board, 575 Administration Drive, Room 100-A, Santa Rosa, California 95403.

Supervisors:

Gorin:

Rabbitt:

Coursey:

Hopkins:

Gore:

Ayes:

Noes:

Absent:

Abstain:

So Ordered.