



County of Sonoma

State of California

Date: April 20, 2021

Item Number: _____

Resolution Number: _____



4/5 Vote Required

Resolution Of The Board Of Supervisors Of The County Of Sonoma, State Of California, Issuing A Permit and Any Necessary Permit Extensions Pursuant to Section VIII of Ordinance No. 3836R Of The County Of Sonoma to Sonoma Resource Conservation District to Perform Construction Work on Riparian Property Along Mark West Creek Watershed and Making Responsible Agency Findings Pursuant to the California Environmental Quality Act

Whereas, Section VIII of Ordinance No. 3836R requires that an application for a permit be filed with 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, an application was filed by Sonoma Resource Conservation District for an Ordinance No. 3836 permit for performing construction work on riparian property at the Permit and Resource Management Department in the manner prescribed by Resolution No. 88-1220 as amended by Resolution No 89-0746 of the Board of Supervisors; and

Whereas, pursuant to the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) and the State CEQA Guidelines (14 California Code of Regulations Section 15000 et seq.) ("CEQA"), a Mitigated Negative Declaration for the LandSmart Program was previously prepared and adopted by Sonoma Resource Conservation District as the CEQA Lead Agency on April 28, 2016 ("MND"); and

Whereas, Sonoma Resource Conservation District, as CEQA Lead Agency, adopted the MND, and mitigation measures to reduce environmental impacts to a level that is less than significant, and adopted written environmental findings; and

Whereas, pursuant to Fish and Game Code section 2603, California Department of Fish and Wildlife has determined that the project could substantially adversely affect existing fish or wildlife resources and has included measures in its Streambed Alteration Agreement necessary to protect those resources and has filed a Notice of Determination as a Responsible Agency based on information contained in the Sonoma Resource Conservation District Mitigated Negative Declaration prepared by the lead agency; and

Whereas, the North Coast Regional Water Quality Control Board, as CEQA Responsible Agency, has verified that the adopted MND adequately analyzes the potential environmental impacts; and

Whereas, the United States Army Corps of Engineers, on September 22, 2020, reviewed the project and determined it qualifies for authorization under Department of Army Nationwide Permits pursuant to Section 404 of the Clean Water Act of 1972 as amended (33 U.S.C. §1344 et seq.); and

Whereas, the County, as CEQA Responsible Agency, has considered the MND and verified that the adopted 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; and

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

Whereas, the requirements of section VIII of the Sonoma County Code 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

1. That 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. Consideration of the MND and Adoption of Findings Regarding CEQA Compliance. As a decision-making body for the County, and in the County's limited role as a Responsible Agency under CEQA, the County has received, reviewed and considered the information contained in the MND. Based on this review, the Board finds that, as to those potential environmental impacts within the County's powers and authorities as Responsible Agency, that the MND contains a complete, objective and accurate reporting of the potential impacts and reflects the independent judgment and analysis of the Board.
3. CEQA Findings on Environmental Impacts. Pursuant to Section 15096 of the CEQA Statutes and Guidelines, the County, in its limited capacity as a Responsible Agency, considered the MND that was prepared by the Lead Agency and independently finds that the MND adequately covers the County's issuance of a roiling permit to Sonoma Resource Conservation District for construction work to take place between August

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1, 2021 and October 15, 2021 and for any necessary permit extensions.
Furthermore, the County finds that no significant adverse environmental impacts will occur as a result of the issuance of the roiling permit and no further analysis under CEQA is required.

4. Notice of Determination. The Board hereby directs staff to file a Notice of Determination with the Sonoma County Clerk within five (5) working days.
5. That a permit is hereby granted to applicant to perform the work and operations described in the aforementioned application.
6. That permit extensions are hereby granted to the applicant to perform the work described herein for additional 30-day periods commencing on August 1, 2021 subject to the Director of PRMD confirming the need for the permit extension immediately prior to the expiration of the permit period.
7. That the work and operations shall be performed in the manner described in the application and in accordance with the terms and conditions of any applicable agreement required by Section 1601 et seq. of the California Fish and Wildlife Code, any applicable waste discharge permit issued pursuant to the Porter-Cologne Water Quality Control Act (commencing at Section 13000 of the California Water Code), and Chapter 26A of the Sonoma County Code and any plans adopted pursuant thereto.

Be It Further Resolved that the permit is hereby granted to the applicant pursuant to Section 25526.6 of the Government Code.

Supervisors:

Gorin:

Rabbitt:

Coursey:

Gore:

Hopkins:

Ayes:

Noes:

Absent:

Abstain:

So Ordered.