

CALIFORNIA PUBLIC UTILITIES COMMISSION
Federal, State, and Local Permitting Processes Likely to be Required for Electric Transmission Projects

Note: In addition to the CPCN or PTC, the applicant may also be required to secure resource agency permits for the project.

Disclaimer: Below is a general list of permits required for transmission projects. Permit requirements for individual projects may vary slightly depending on project conditions.

Agency	Permit	Regulation	Protected Resource	Trigger	Application Process	Timing
<i>Federal</i>						
Army Corps of Engineers	404 Permit	Clean Water Act	Waters of the United States (including wetlands)	Placement of dredge or fill material into waters of the U.S., including wetlands. If project impacts less than 0.5 acres a nationwide permit (NWP) is typically issued	NWP: prepare a preconstruction notification (PCN) along with the draft Corps's application (Engineer Form 4345). Information in the PCN includes, but is not limited to: results of wetland delineation including areas of waters of the U.S.; temporary and permanent impacts to waters of the U.S. and discussion of avoidance; construction techniques, timeline, and equipment that would be used; special status species that potentially occur in the project area, and discussion of mitigation (if applicable) to replace wetlands	NWP: takes approximately nine months from the date of application submittal (depending on level of impacts and level of consultation required by other agencies). Initial review is 30 days after which application is deemed complete or additional information is requested.
				If project would impact more than 0.5 acres a regional or individual permit may be required.	Regional or Individual Permit: Same requirements as NWP as well as preparation and submittal of 404(b)(1) Alternatives analysis which identifies the Least Environmentally Damaging Practicable Alternative (LEDPA). Public notice also required	Regional or Individual Permit: An additional three to six months may be required on top of the nine months expected for an NWP. A 30 day public notice is also required to inform the public about the project before the Corps issues the permit.
USFWS	Section 7 Consultation	Federal Endangered Species Act	Federally Listed Species	Potential impact to a federally listed threatened or endangered species	Biological Assessment (BA) prepared and submitted to Corps. BA contains information on each species and describes potential for "take" of species and/or habitat.	The timeline for processing and receiving a formal Biological Opinion (BO) from USFWS can be six months to a year from when the Corps has initiated consultation and depending on the level of impact to listed species. The typical timeline for issuance of a BO is no less than 135 days after acceptance of the BA as complete.
US Department of Agriculture, Forest Service	Special Use Authorization	National Forest Management Act/NEPA	National Forest lands	Use of federal lands managed by the USDA Forest Service for a transmission line. Typically constitutes a Major Federal Action which in turn triggers NEPA analysis.	Special Use Authorization Application: prepare a special use application for consideration by the Forest Service. Prior to submitting a proposal, applicant is required to arrange a preapplication meeting at the local Forest Service office. Application typically includes project plan, operating plans, liability insurance, licenses/registrations and other documents. If it is determined that NEPA is required either an EA or EIS would be prepared. The NEPA document may be prepared jointly with the CEQA document.	Reviews of Special Use Authorization applications is often dependent upon what level of NEPA analysis is required. An EA is typically 9-12 months, and EIS is generally 18 months. NEPA process may occur concurrently with CEQA process.
US Department of the Interior, Bureau of Land Management	Right-of-Way Grant	Federal Land Policy and Management Act/NEPA	Federal Lands	Use of federal lands managed by the BLM for a transmission line. Typically constitutes a Major Federal Action which in turn triggers NEPA analysis.	Right-of-Way Application: Contact the BLM office with management responsibility. Obtain an application form "Application for Transportation and Utility Systems and Facilities on Federal Lands". Arrange a pre-application meeting with a BLM Realty Specialist or appropriate staff member. Submit completed application to the appropriate BLM office. If it is determined that NEPA is required either an EA or EIS would be prepared. The NEPA document may be prepared jointly with the CEQA document.	BLM attempts to review completed applications within 60 days of submittal. Full timing is often dependent upon what level of NEPA analysis is required. An EA is typically 9-12 months, and EIS is generally 18 months. NEPA process may occur concurrently with CEQA process.

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<i>State</i>						
State Water Resources Control Board (SWRCB)/Regional Water Quality Control Board (RWQCB)	Section 401 Water Quality Certification (WQC), and NPDES permit	Clean Water Act, Porter-Cologne Water Quality Control Act	Waters of the state	Potential impacts to state water quality standards	A request for 401 WQC is prepared and submitted by the RWQCB. Information required is nearly identical to information required for 404 permit. NPDES permits require the submission of a Storm Water Pollution Prevention Plan .	Preparation of the 401 WQC application is concurrent with preparation of Corps permit material. Issuance occurs approximately three to six months from the time the application is deemed complete depending on the level of impacts to waters of the state. Since RWQCB is also required to review CEQA document for consistency, permits cannot be issued until Notice of Determination (NOD) is filed.
California Department of Fish and Game (CDFG)	Section 1602 Lake and Streambed Alteration Agreement (SAA)	Fish and Game Code	all perennial, intermittent, and ephemeral rivers, streams, and lakes in the state	Required if a project will: 1) substantially obstruct or divert the natural flow of a river, stream, or lake; 2) substantially change or use any material from the bed, channel, or bank of a river, stream, or lake; or 3) deposit or dispose of debris, waste, or other material containing crumbled, flaked, or ground pavement where it can pass into a river, stream, or lake.	The information required for the SAA application is nearly identical to the information required by the Corps, but a separate application and questionnaire are required	The typical timeline for issuance of an SAA is approximately three to six months from the time the application is deemed complete and depending upon the level of impact to CDFG jurisdiction. The initial review period for CDFG is 30 days, in which time the application will be deemed complete or incomplete. If the project is deemed incomplete, CDFG will provide a list of additional information necessary to complete the application. Once the application has been deemed complete, CDFG has 60 days to review the information and prepare the draft agreement. Once the draft agreement is issued, the project applicant must review, sign and return it to CDFG for the agreement to be valid. Additionally, CDFG is required to review the CEQA document for consistency and therefore the NOD must be filed before the SAA will be issued.
	California Fish and Game Code 2080.1 Consistency Determination	Fish and Game Code	State Listed Species	Required if project may result in take of species that are both federal and state-listed	Applicant requests that CDFG review the BO issued by the USFWS to determine if conservation measures listed in the BO also meet state policies for the protection of state-listed species.	CDFG has 30 days from receipt of the request to review the BO and issue a determination.
	California Fish and Game Code Section 2080 Take Permit	Fish and Game Code	State Listed Species	Required if the project has potential to result in take of a state-only listed endangered or threatened species.	Submit application to CDFG and identify mitigation measures to reduce avoid and minimize the potential for take.	Timeline for authorization is approximately 30 to 90 days depending on the species involved and the complexity of the project.

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<i>State (continued)</i>						
State Historic Preservation Officer (SHPO)	Section 106 National Historic Preservation Act (NHPA)	National Historic Preservation Act	Cultural and/or historical resources	Required if there are potential impacts to cultural and/or historical resources that are listed or eligible for listing on the National Register of Historic Places.	Information on cultural and historical resources gathered during the draft CEQA document preparation is included in a 106 Technical Report and submitted to the Corps along with the Area of Potential Effect (APE) map. The information is then evaluated by the Corps' cultural resources evaluator for potential adverse effects within the APE. Depending upon the level of potential adverse effect, the Corps then forwards its finding to SHPO for concurrence or begins the process for a Memorandum of Agreement (MOA). Native American consultation is also mandatory for the 106 process but can begin during preparation of the environmental document. All letters and correspondence for the Native American consultation must be provided to the Corps. Consultation with federally-recognized tribes may require a more extensive consultation.	Once SHPO has received the Corps' determination, it has approximately 60 days to agree or request additional information. However, SHPO has recently become more involved in projects and this timeframe is only an estimate and if a potential adverse effect to cultural or historical resources could occur, the SHPO process can take up to a year or more. Depending on the level of impacts to cultural resources, the Corps may determine no effect and issue the permit before receiving concurrence from SHPO.
California State Lands Commission (CSLC)	Right of Way Lease Agreement	Division 6 of the California Public Resources Code	California Sovereign Lands	May be triggered if the transmission line crosses state lands under the jurisdiction of the CSLC, which includes the beds of 1) more than 120 rivers, streams and sloughs; 2) nearly 40 non-tidal navigable lakes, such as Lake Tahoe and Clear Lake; 3) the tidal navigable bays and lagoons; and 4) the tide and submerged lands adjacent to the entire coast and offshore islands of the State from the mean high tide line to three nautical miles offshore.	Leases or permits may be issued to qualified applicants and the Commission shall have broad discretion in all aspects of leasing including category of lease or permit and which use, method or amount of rental is most appropriate, whether competitive bidding should be used in awarding a lease, what term should apply, how rental should be adjusted during the term, whether bonding and insurance should be required and in what amounts, whether an applicant is qualified based on what it deems to be in the best interest of the State.	Most coordination should be done concurrently with the CEQA process to ensure that any CSLC-required issues are addressed under CEQA. Once a final route/alternative is selected, the lease process may take two to three months for final Commission approval.
<i>Local / Other</i>						
Air Quality Management District or Air Pollution Control District	Permit to Construct	Federal Clean Air Act	Air Quality	Depends on the air district involved; may not be required for most transmission projects. Some air districts have a trigger level based on disturbed acreage.	Application forms need to be prepared and submitted to the local AQMD or APCD	Typically 30 to 90 days after submittal of a complete application.