

APPENDIX G

Permits and Approvals Needed

Table G-1. Federal permits and authorizations for the Phase II Expansion Project

Authorization	Agency Authority	Statutory Reference	Permit or Authorization Trigger	Timeline
Endangered Species Act (ESA)	U.S. Fish and Wildlife Service (USFWS)	ESA (by Public Law [PL] 93-205, as amended by PL 100-478; 16 United States Code [USC] 1531 et seq.)	Triggered by a prospective federal action where implementation of such action will likely affect a threatened or endangered species. (triggers Section 7(a)(3) (ESA))	12–18 months (concurrent with National Environmental Policy Act [NEPA] process)
Bald and Golden Eagle Protection Act	USFWS	16 USC 668–668(d)	Eagle use in Application Area	N/A
Clean Water Act Section 404 Dredge and Fill Permit	U.S. Army Corps of Engineers	33 USC 1344	Placement of dredge or fill in a water, wash, or wetlands connected to a navigable water	18 months
National Historic Preservation Act (NHPA)	Nevada State Historic Preservation Office	NHPA 106 (PL 89-665; 16 USC 470 et seq.)	Federal nexus or Utility Environmental Protection Act permit	18 months (concurrent with NEPA process)

Table G-2. State and local permits and authorizations for the Phase II Expansion Project

Authorization	Agency Authority	Statutory Reference	Permit or Authorization Trigger
State (Nevada)			
National Historic Preservation Act Section 106 determination of effect concurrence	Nevada State Historic Preservation Office	16 United States Code (USC) 470 et seq., Nevada Revised Statutes (NRS) 383	Federal nexus, Utility Environmental Protection Act, or human remains are discovered.
Critically Endangered Species Permit	Nevada Division of Forestry	NRS 527.260–527.300	Removal of critically endangered plants.
License, permit, or authorization to take or possess protected wildlife	Nevada Department of Wildlife	Nevada Administrative Code (NAC) 503.093	Handling of protected wildlife
Clean Water Act (CWA) Section 401 Permit	Nevada Division of Environmental Protection (NDEP), Bureau of Water (BOW) Pollution Control	33 USC 1251 et seq.	Discharge into a jurisdictional water, wash, or wetland connected to a navigable water.
CWA Section 402 National Pollutant Discharge Elimination System Construction Stormwater General Permit	NDEP	33 USC 1251 et seq.	Construction activities covering more than 1 acre that will discharge stormwater runoff from the construction site into a municipal separate stormwater sewer system or into waters of the United States (WOTUS).
Surface Area Disturbance Permit	NDEP, Bureau of Air Pollution Control	NAC 445B	Construction which causes surface area disturbance totaling 5 acres or more.

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Authorization	Agency Authority	Statutory Reference	Permit or Authorization Trigger
Right-of-Way (ROW) Occupancy Permit	Nevada Department of Transportation (NDOT)	NRS 408.423, 408.210, NAC 408	Construction within an NDOT ROW.
Over Legal Size/Load Permit	NDOT	NRS 484.437-775, NAC 484.300-580	Exceedance of 80,000 pounds gross weight; exceedance of 8 feet, 6 inches wide; exceedance of 14 feet tall; exceedance of 10 feet of front or rear overhang; or exceedance of 70 feet long.
State (California)			
CWA Section 401 Certification (Water Quality Certification)	Lahontan Regional/Colorado River Basin Regional Water Quality Control Board	23 California Code of Regulations (CCR) 3830-3869	Impacts to WOTUS (Potentially to be removed once USACE makes a determination)
California Environmental Species Act (CESA) Incidental Take Permit	California Department of Fish and Wildlife	14 CCR 783.2-783.8	Take of a CESA-listed species and CESA candidate species
Local (Clark County, Nevada)			
Drainage Plan Concurrence	Clark County Regional Flood Control District (CCRFCD)	CCRFCD Uniform Regulations for Control of Drainage	Requires an approved drainage study for sites associated with construction of a new facility on more than 2 acres within a ROW in Clark County, Nevada.
Building Permit	Clark County Building Department	Permit Application Submittal and Review Procedures	Construction of new buildings or septic systems
Conditional Use Permit	Clark County Planning Department	Permit Application Submittal and Review Procedures	Construction within County lands must be consistent with land uses
Dust Control Permit	Clark County Planning Department	County Master Plan, Dust Control Permit Application	General construction
Local (San Bernardino County, California)			
Building Permit	San Bernardino County Department of Building and Safety	Permit Application Submittal and Review Procedures	Construction approval
Conditional Use Permit	San Bernardino County Planning Division	Permit Application Submittal and Review Procedures	Land use approval
Grading Permit	San Bernardino County Department of Building and Safety	Permit Application Submittal and Review Procedures	Grading approval
Authority to Construct/Permit to Operate	Mojave Desert Air Quality Management District	Permit Application Submittal and Review Procedures	Construction approval

Table G-3. Historic mining permits reference

Authorization	Permit ID	Agency Authority	Date Issued	Date Renewed	Date of Termination
Record of Decision (ROD)	CACA-31137	U.S. Bureau of Land Management (BLM)	March 1998	Not Applicable (N/A)	N/A
ROD	CACA-31137	BLM	July 1998	N/A	N/A
Decision Record	CACA-31137	BLM	February 2020	N/A	N/A
Conditional Use Permit	90M-013	San Bernardino County (SBC)	August 2019	N/A	December 2035
Approved Plan of Operation	N/A	National Park Service	May 2024	N/A	N/A
Waste Discharge Requirements	R7-2020-0004	Colorado River Basin Regional Water Quality Control Board	June 2020	2023	Renewed Annually
National Pollutant Discharge Elimination System General Permit Notice of NonApplicability	7 36NNA000736	State Water Resources Control Board	July 2020	N/A	N/A
Biological Opinion (BO)	1-6-90-F-24	U.S. Fish and Wildlife Service (USFWS)	August 1990	N/A	N/A
BO	1-8-97-F-37	USFWS	February 1998	N/A	N/A
Approved Jurisdictional Determination	SPL-2019-00042-blr	U.S. Army Corps of Engineers	June 2019	N/A	Valid for 5 Years
Authority to Construct Permits	Various	Mojave Desert Air Quality Management District	June 2019	June 2024	Renewed Annually
1602 Lake and Streambed Alteration Agreement (LSAA)	LSAA#11600-2018-021180	California Department of Fish & Wildlife (CDFW)	2019	N/A	N/A
2081 Incidental Take Permit	See 1993 Memorandum of Understanding	CDFW	1993	N/A	N/A
Risk Management Plan	PT0005497	SBC Certified Unified Program Agency (CUPA) (Fire Department Hazardous Materials (HazMat) Division)	June 2019	June 2024	Renewed Annually
Aboveground Petroleum Storage Act	PT0005498	SBC CUPA (Fire Department HazMat Division)	June 2019	June 2024	Renewed Annually
Hazardous Materials Storage	PT0005494	SBC CUPA (Fire Department HazMat Division)	June 2019	June 2024	Renewed Annually
Resource Conservation and Recovery Act Large Quantity Generator	PT0005495	SBC CUPA (Fire Department HazMat Division)	June 2019	June 2024	Renewed Annually
Waste Tire Disposal Permit	TPID 1951503	CalRecycle	2022	June 2024	Renewed Annually
Non-Transient Non-Community Water System	PT0007926	SBC – Environmental Health Services (EHS)	September 2020	Oct 2023	Renewed Annually
Domestic Water Supply	3601082	SBC – EHS	September 2020	N/A	N/A