

Attachment 1
Penn Valley Community Church
Conditions of Approval &
Mitigation Monitoring & Reporting Plan (MMRP)
PLN19-0022; CUP19-0002; EIS19-0003

A. PLANNING DEPARTMENT

1. This is a conditional approval of a Comprehensive Master Plan/Use Permit to allow use of the former Pleasant Valley Elementary School campus by the Penn Valley Community Church who will occupy portions of the site and, as the owner, will also serve as property manager for the entire campus, managing tenants in other buildings and the sports fields as an office/professional and recreational complex. The property includes a Site Performance Combining District requiring compliance with the project Comprehensive Master Plan (CMP). The Site Performance Combining District, through the CMP/UP, customizes uses within the two zoning districts by prohibiting certain uses that would otherwise be potentially allowable in those districts to ensure overall site and neighborhood compatibility. The CMP includes potentially allowable future uses of the site and designates the level of review required for each. The CMP is on file with the Nevada County Planning Department in the project file.

This conditional approval allows church, office and professional use, elementary and/or junior high school uses, church and sports league use of the fields and gymnasium and a watchman/caretaker's unit. Office and professional uses include such things as non-profit offices, financial institutions, insurance and real estate offices, business services such as duplicating, mailing, blueprinting and photocopying, janitorial services, and employment agencies. Other uses not approved with the current project may be allowable through a future Development or Use Permit, as outlined in the CMP Land Use Table.

The church will serve a variety of functions including regular church services on Sunday mornings, weddings, funerals and other community type activities such as occasional food distribution for the Nevada County Food Bank or 4-H Club meetings. Although these activities can vary, typical weekly use will include: Sunday morning and evening church services; weekday office hours for staff and volunteers; small group Bible Study sessions for approximately 10 to 25 people Monday through Friday with times varying; children and teen ministry programs in the evenings several times per week and weekly music practice. Board and other similar type meetings will be held either monthly or quarterly on a weekday evening. Monthly Saturday group meetings of approximately 50 people will be held. Vacation Bible School will occur annually. Social functions will be held that would vary throughout the year according to holidays. Church use areas will occupy several parts of the site to include a sanctuary, office, Sunday School classrooms, storage building and multi-purpose room. Initially, the church will utilize the site as follows: Sanctuary, Building D; church office, Building E; church classrooms, Building F; multi-purpose gathering space, Gymnasium (Building F); and, storage, Building H. However, church use is not limited to these buildings nor are other uses prohibited in these buildings. Outdoor playfield areas will be used by church members and may also be leased to sports leagues.

2. Defense and Indemnity Agreement. Within 15-days after project approval the applicant shall sign and file with the Nevada County Planning Department the attached Defense and Indemnity Agreement. No further permits or approvals shall be issued for the project, unless and until the applicant has fully complied with this condition.

3. Expiration Date. All Conditions of Approval shall be completed within seven (7) years from the effective date of the approval of the project (PLN19-0022; CUP19-0002; EIS19-0003). This is meant to provide time for the church to occupy the site and to find suitable tenants for the complex. This is the typical three-year approval period plus the four years of allowable extensions of time.
4. Parking. Full, highest use, occupancy of the complex requires 215 parking spaces. Paved parking shall be implemented first for all in-building land uses. Gravel parking shall be used for the playfields and to meet any other parking requirements that cannot be met on existing paved or concrete surfaces through striping. Comply with Nevada County Parking Standards as follows:
 - a. Prior to final church sanctuary occupancy of the site, extend and restripe the existing parking lot to achieve 130 parking spaces as shown on the approved site plan. This includes the addition of a drop-off lane and four handicap accessible spaces.
 - b. Prior to approval for tenant improvement permits which are required for modifications to building interiors to suit each space to the tenant, adequate parking must be proven. Permit submittal materials shall include a site plan showing parking improvements as needed to achieve the number of parking spaces to accommodate the use based on the ratios provided in the Nevada County Land Use & Development Code Parking Standards (LUDC Section II-4.2.9) (calculated by the specific use and use area prior to occupancy) for Planning approval. Applicants shall work with the Building Department to obtain a permit to complete parking improvements, if deemed necessary by the Building Department
 - c. Prior to league use of the site (see also COA A.10), the league shall submit a Design Review application and fee to Planning with a site plan showing adequate gravel parking has been established as shown on the approved site plan. The league shall work with the Building Department to obtain a permit to perform this work if deemed necessary by the Building Department.
5. Comply with Landscaping Standards (Mitigation Measure 1A). The Final Landscaping Plan shall be consistent with the approved preliminary landscape plan and shall comply with the requirements of Sec. L-II 4.2.7 of the Land Use and Development Code. Landscaping shall be provided in accordance with County standards with phased implementation as outlined herein. Prior to issuance of any grading or building permits, the applicant shall submit a Final Landscape Plan, prepared, signed and stamped by a licensed landscape architect, to the Planning Department for review and approval, including the following:
 - a. All details depicted on the preliminary plans; and
 - b. The location of all required plant materials, evenly dispersed within each required planting area (interior parking lot landscaping and residential buffers); and
 - c. A legend listing the type, number and size of plant materials, indicating both the both the required number and the provided number of each plant type. List plants for each required landscaped area. Include a listing of water usage type, or hydrozone, for each plant type. List plant materials in groupings of trees, shrubs, and ground cover plants. Show both common names and botanical names. Native vegetation must shall be included in all required plantings pursuant to subsection L-II 4.2.7.E.2.b of the Land Use and Development Code; and
 - d. Irrigation plan per subsection L-II 4.2.7.E.3.c of the Land Use and Development Code; and

- e. A note that “All plantings and irrigation shall be maintained by the property owner and in any case where a required planting has not survived the property owner shall be responsible for replacement with equal or better plant materials.”

Timing

- f. Prior to final church **sanctuary** occupancy of the site, the landscape architect shall verify that all screening plant materials pursuant to the approved plan have been established.
- g. Prior to final church **sanctuary** occupancy of the site, the landscape architect shall verify that all plant materials associated with the paved parking lot (130 parking spaces) pursuant to the approved plan have been established.
- h. Prior to occupancy by future additional tenants of the site, including both buildings and sports/playfields, the landscape architect shall verify that all plant materials relative to new interior parking lot landscaping areas as required for each additional tenant have been established pursuant to the approved plan.
- i. Irrigation shall be maintained as needed to ensure plant survival.

Timing: Prior to building permit issuance for final occupancy of each as outlined above

Reporting: Agency approval of permits or plans

Responsible Agency: Planning Department

- 6. **Disturbance Prohibited within Oak Grove & Protection Measures Required (Mitigation Measure 4A).** Disturbance is prohibited within the oak grove located at the north side of the access drive except as may be needed to eliminate dead, diseased or dying trees and as needed to maintain fire safety. To ensure contractors and their employees are aware of these requirements, all construction plans and specifications including disturbance within 30-feet of the grove must include the following:

Prior to the start of disturbance activity:

- a) Delineate the dripline of trees along the edge of the grove in any construction area within 30-feet of the grove with temporary orange construction fencing.

During the Construction Phase:

- b) Contractors shall stay within designated work areas, outside of the protected area.
- c) No vehicles, construction equipment, mobile offices, or materials shall be parked or located within the oak grove.
- d) Soil surface removal greater than one foot shall not occur within the oak grove dripline.
- e) Earthen fill greater than one foot deep shall not be placed within the dripline of landmark oak grove.
- f) Paving shall not be placed within the dripline of oak grove.
- g) Underground utility line trenching shall not occur within the dripline of the oak grove.
- h) Any oak tree within the grove that is damaged or removed due to construction activities shall be replaced at a 3:1 ratio. A Nevada County Pre-qualified biological consultant shall be hired by the applicant to determine the best location for replacement trees and prescribe appropriate planting, fencing, watering of the trees. The biologist shall submit an annual letter with photos to Nevada County assessing the success for a period of five (5) years. Should the trees die, additional replacements and monitoring as described above shall be required.

Timing: Prior to issuance of grading/improvement/building permits for any work within 30-feet of the oak grove.

Reporting: Future permit issuance

Responsible Agency: Planning Department

7. **Comply with Lighting Standards (Mitigation Measure 1B).** All outdoor light fixtures shall be modified and/or replaced to meet all requirements of LUDC Section L-II 4.2.8 including being fully shielded to eliminate glare and prevent light trespass onto neighboring properties, Building/improvement plans shall include specific detail to depict the location, height, and positioning of all light fixtures, and shall provide a description of the type and style of lighting proposed. Fixtures shall have high efficiency lamps. High pressure sodium and mercury vapor light fixtures are prohibited. Standards are allowed a maximum height of 15-feet.

- a. All existing parking lot standards shall be modified in compliance with these standards prior to final Church **sanctuary** occupancy of the site.
- b. Exterior building lighting shall be modified prior to use of each building by the church or any tenant.
- c. Signage lighting, if any, shall be top-mounted, shining light downward.

Timing: Prior to building permit issuance for final occupancy of each as outlined above

Reporting: Agency approval of permits or plans

Responsible Agency: Planning Department

8. **Signage.** Signage must be installed in substantial compliance with the approved signage plan (final sheet of project plan set which is on file with the Nevada County Planning Department in the project file) and in compliance with the sign standards found in the Nevada County Land Use & Development Code. The proposed lettering size as shown on the sign plans must be changed from 4" to 2" in height to meet the Code requirements.

9. **Limit Field Use (Mitigation Measure 13A).** Use of the fields for groups of 100 or more people shall be limited to those areas delineated in the Environmental Noise Analysis prepared by J.C. Brennan and Associates which will be retained in the project file with Nevada County. League use shall also be limited to those areas delineated in the Environmental Noise Analysis prepared by J.C. Brennan and Associates which will be retained in the project file with Nevada County. Prior to league use of the project site the following items must be submitted to the Nevada County Planning Department as a Design Review application for approval;

- a. The league shall submit a scaled drawing of the play area, demonstrating that the center of the play area will be approximately 180-feet from the nearest property lines and be located within the area delineated within the Environmental Noise Analysis.
- b. The submittal shall include an acknowledgement that the use of amplification is prohibited.
- c. The submittal shall include an acknowledgement that hours of use are limited to the hours of 7:00 a.m. to 7:00 p.m.

Timing: Prior to league/organized sports use of the fields

Reporting: Agency approval for league use

Responsible Agency: Planning Department

10. **Construction Work.** Hours of operation for construction activities shall be limited to the hours of 7:00 am to 7:00 pm Monday through Saturday. These limited hours of operation shall be noted on grading, improvement and building plans, which shall be reviewed and approved by the Planning Department prior to permit issuance.

11. **Prepare a Dust Control Plan (Mitigation Measure 3A).** Prior to issuance of improvement plan or grading permits, submit a Dust Control Plan to Northern Sierra Air Quality Management District, if more than one (1) acre of natural surface area is to be altered or where the natural ground cover is removed, and gain their approval. The disturbance of natural surface area includes any clearing or grading. Include the approved Dust Control Plan on the project plans using clear phrasing and enforceable conditions, under its own heading. Provide evidence of NSAQMD approval to Nevada County with permit application submittal.
Timing: Prior to issuance of grading/improvement/building permits
Reporting: Approval for future permit issuance
Responsible Agency: Planning Department
12. **Reduce emissions during construction (Mitigation Measure 3B).** The following measures are designed to help reduce project emissions related to construction, which shall be included as a note on all plans prior to issuance of all grading, improvement, and building permits. In addition to these measures, all statewide air pollution control regulations shall be followed, including diesel regulations (which may be accessed at www.arb.ca.gov/diesel/diesel.htm).
 1. At least 50% of the mobile off-road construction equipment in use at any time on the project shall be equipped with Tier 3 engines (or cleaner).
 2. All architectural coatings shall comply with the California Air Resources Board's 2007 Suggested Control Measure for Architectural Coatings (available at www.arb.ca.gov/coatings/arch/Approved_2007_SCM.pdf).
 3. Construction equipment idling times shall be minimized either by shutting equipment off when not in use, or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]) and all construction equipment shall also be maintained and properly tuned in accordance with manufacturer's specifications." Clear signage shall be provided for construction workers at all access points.
 4. The applicant shall use reasonable precautions to minimize dust generation. Reasonable precautions may include watering exposed soils, as well as any stockpiled material, and limiting traffic speeds. Such methods shall be noted on improvement plans prior to approval.*Timing:* Prior to building permit issuance for final occupancy of each as outlined above
Reporting: Approval for future permit issuance
Responsible Agency: Planning Department / NSAQMD
13. **Halt Work and Contact the Appropriate Agencies if Human Remains, Cultural Resources or Paleontological Resources are Discovered during Project Construction (Mitigation Measure 5A).** All grading and construction plans shall include the note outlining the requirements provided below to ensure that any cultural resources discovered during project construction are properly managed. These requirements including the following:
 - a. A consultant and construction worker tribal cultural resources awareness brochure and training program for all personnel involved in project implementation has been developed in coordination with interested Native American Tribes. This brochure shall be distributed and the training will be conducted in coordination with qualified cultural resources specialists and Native American Representatives and Monitors from culturally affiliated

Native American Tribes before any stages of project implementation and construction activities begin on the project site. All equipment operators and employees involved in any form of ground disturbance shall be trained to recognize potential archeological resources and advised of the remote possibility of encountering subsurface cultural resources during these activities. If such resources are encountered or suspected, work within 100-feet shall be halted immediately and the Nevada County Planning Department shall be contacted. A qualified cultural resources specialist shall be retained by the developer and consulted to access any discoveries and develop appropriate management recommendations for resource treatment.

- b. If bones are encountered and appear to be human, California Law requires that the Nevada County Coroner be contacted. Should the discovery include Native American human remains, in addition to the required procedures of Health and Safety Code Section 7050.5, Public Resources Code 5097.98 and California Code of Regulations Section 15064.5(e), all work must stop in the within 100-feet of the find and the Nevada County Coroner must be notified. If the remains are determined to be Native American, the coroner will notify the Native American Heritage Commission, and the procedures outlined in California Environmental Quality Act Sections 15064.5(d) and (e) shall be followed.

If Native American resources are involved, Native American Organizations and individuals recognized by the County shall be notified and consulted about any plans for treatment. Native American Representatives from traditionally and culturally affiliated Native American Tribes shall be retained by the developer and consulted to access any discoveries and develop appropriate management recommendations for resource treatment. Culturally appropriate treatment may be, but is not limited to, processing materials for reburial, minimizing handling of cultural objects, leaving objects in place within the landscape, returning objects to a location within the project area where they will not be subject to future impacts. The United Auburn Indian Community of the Auburn Rancheria (UAIC) does not consider curation of tribal cultural resources to be appropriate or respectful and requests that materials not be permanently curated, unless at their request. Treatment that preserves or restores the cultural character and integrity of a Tribal Cultural Resource may include Tribal Monitoring, culturally appropriate recovery of cultural objects, and reburial of cultural objects or cultural soil. These recommendations shall be documented in the project record. Any recommendations made by traditionally and culturally affiliated Native American Tribes that are not implemented shall require submittal of a justification statement to the Planning Department for inclusion in the project record. If adverse impacts to tribal cultural resources, unique archaeology or other cultural resources occurs, the developer shall consult with UAIC and other traditionally and culturally affiliated Native American Tribes regarding mitigation contained in applicable Public Resources Codes and CEQA Guidelines.

Timing: *Prior to Issuance of Building Permit or Grading Permit and throughout construction*

Reporting: *Planning Department Approval of Grading and Construction Permits*

Responsible Agency: *Planning Department*

14. **Appropriately Dispose of Solid Waste (Mitigation Measure 19A).** Industrial toxic waste (petroleum and other chemical products) are not accepted at the McCourtney Road transfer

station and if encountered, shall be properly disposed of in compliance with existing regulations and facilities.

Timing: *Prior to issuance of building permits for tenant improvements*

Reporting: *Agency approval of permits or plans*

Responsible Agency: *Planning Department*

15. **Avoid impacts to Nesting Birds & Birds of Prey (Mitigation Measure 4B).** Migratory nongame native bird species are protected by international treaty under the Federal Migratory Bird Treaty Act (MBTA) (16 U.S.C., §§ 703-712). CDFW implemented the MBTA by adopting the Fish & Wildlife Code Section 3513. Fish & Wildlife Code Sections 3503, 3503.5 and 3800 provide additional protection to nongame birds, birds of prey, their nests and eggs. Potential habitat for nesting birds and birds of prey is present within and adjacent to the project area. To protect nesting migratory birds, special status birds, and birds of prey, which could be impacted by construction, grading or tree removal, these activities shall not occur during the nesting season. Alternatively, pre-construction surveys may be conducted to determine the presence or absence of these species. Guidelines are provided below for avoiding the nesting season and for pre-construction surveys (if avoiding the nesting season is not possible).

The nesting season is formally recognized as extending from February 15 through August 31 in this part of California. While many birds will not begin to nest until April, May, or June, some have begun courtship by mid-February (courting birds are protected as nesters) and certain raptors such as red-tailed hawks and great horned owls (*Bubo virginianus*) begin nesting very early. For all development-related activities taking place outside the nesting season (September 1 to February 14), no precautions for nesting birds are required.

- a) This measure, 4B, in its entirety, shall be included as a note on all future construction plans. All construction (excluding interior modification to existing structures), grading or tree removal is subject to this measure.
- b) Tree, limb, and shrub removal shall be completed between September 1 and February 14 prior to the onset of the nesting season, or, if during the nesting season, only after a qualified biologist has confirmed that no nesting birds would be adversely affected.
- c) For all construction-related activities that take place between February 15 and August 31, a preconstruction nesting-bird survey shall be conducted by a qualified biologist at least two weeks prior to initiation of construction. This shall include all suitable habitats within 500-feet of the outer edge of all disturbance footprints.
- d) If active raptor nests are found within 500-feet of any construction area, a 500-foot non-disturbance buffer zone shall be established and flagged around the nest. If active nests of smaller species are found within the 500-foot survey area, a 250-foot no-disturbance buffer zone shall be established and flagged around each nest. Within these buffer zones, no construction shall take place until August 31 or until a qualified biologist has determined that the young have fledged. The nest shall be monitored by the project biologist for nest disruption. If the birds become agitated, the buffer shall be increased. When the nestlings have fledged from the nest, as deemed by the project biologist, the buffer can be eliminated.
- e) For every lull in construction lasting longer than 14 days, another preconstruction survey shall be conducted for new nests, with new buffer zones established as described above. This is based on the assumption that any bird choosing to nest within 500 feet of active,

ongoing construction will clearly be tolerant of the activity, but a bird choosing to nest within 500 feet of construction during a quiet period could be disturbed into abandoning its nest and eggs or young once construction resumes.

Timing: *Prior to issuance of grading/improvement/building permits*

Reporting: *Approval of future permit issuance*

Responsible Agency: *Planning Department*

B. BUILDING DEPARTMENT

1. Permits Required. If the use and/or occupancy type of any of the buildings change, complete plans shall be submitted, and a building permit obtained for the change of use/occupancy and shall meet all of the requirements per the most currently adopted California Building Standard Codes.
2. Design Professionals. Any plans submitted shall be completed by licensed California design professionals in each respective field (structural, electrical, mechanical and architectural).
3. Sign Modification. If the monument sign is structurally altered, has utilities installed or any other modifications are completed that require a building permit, a permit shall be obtained prior to start of the work.
4. Landscaping. Irrigation shall be compliant with Model Water Efficient Landscape Ordinance (MWELo) standards.
5. **Provide energy-efficient utilities (Mitigation Measure 3C).** Tenant improvement plans shall include documentation that they comply with the following measures prior to issuance of building permit. This mitigation shall be included as a note on all future building plans:
 1. The project shall use energy efficient lighting (includes controls) and process systems beyond Title 24 requirements where practicable (e.g. water heating, furnaces, boiler units, etc.)
 2. The project shall utilize water heating featuring low-NOx water heating burners if electric water heating is not used.
 3. The project shall use energy efficient, automated controls for air conditioning beyond Title 24 requirements where practicable.

Timing: *Prior to building permit issuance for final occupancy of each as outlined above*

Reporting: *Approval of building permits*

Responsible Agency: *Planning Department / Building*

C. DEPARTMENT OF PUBLIC WORKS

1. Traffic Mitigation Fees: Prior to use of the site or issuance of building permits, whichever comes first, the applicant shall pay appropriate traffic impact fees based on the latest fee schedule adopted by the Nevada County Board of Supervisors for trips generated by the project. Trip generation will be determined based on the proposed uses and the latest ITE Trip Generation Manual trip rates.

2. Sewer System Hook-up Verification: Prior to tenant improvements, the applicant shall submit a plan of operations to the Sanitation District for review which includes available seating in the Sanctuary/Worship area, types of use, frequency of use, number of offices in the final converted classroom areas and any other pertinent information that will help to determine the eventual contributions to the sewer system. Once the plan is submitted, the actual EDU capacity requirements will be established.
3. Final Grading and Drainage Plans: Prior to improvement and building permit issuance, the applicant shall provide final grading and drainage plans with an accompanying analysis prepared by a registered civil engineer to confirm any increase in impervious surfaces or storage areas needed, **if required**. The applicant shall also provide impervious area calculations for determination of oil and sand separators as required by General Plan Policy 11.6A for commercial and industrial development of 1 acre or greater in size.
4. Drainage Maintenance Mechanism: Pursuant to General Plan Policy 3.19C, the applicant shall maintain all drainage facilities constructed as part of the project through a permanent, legally enforceable mechanism such as, but not limited to, a CSA, CSD, or recorded covenant. Prior to improvement and building permit issuance, the applicant shall demonstrate that a legally enforceable mechanism for long-term maintenance of such facilities has been provided.

D. PENN VALLEY FIRE PROTECTION DISTRICT & NEVADA COUNTY OFFICE OF THE FIRE MARSHAL

1. Fire Apparatus Access Roads, California Fire Code §503. Access to the building should be in accordance with this section for all on-site roadways. Special notice should be paid to applicable Nevada County Land Use Code sections and any comment of the Nevada County Fire Planner.
2. Fire Protection Systems, California Fire Code Chapter 9. Some of the buildings subject to this application contain existing fire alarm and fire sprinkler systems. Others do not, but it is not possible to determine the exact requirements for structures that have not yet been assigned an occupancy class from the Building Department. It appears that there will be a mix of assembly, business and other unknown uses, depending on who the parties are who lease the space. In general, projects requiring a new use permit are required to meet current California Fire Code requirements for fire flow, fire sprinkler and fire alarm systems. The applicant is advised to consult Chapter 9 of the CFC as well as its local amendments contained in the Land Use and Development Code Sections L-V 5.25 and L-V 5.26 to determine whether a building in the proposed project will need any upgrades. Any proposed work should be completed in accordance with the most current editions of the California Fire Code and NFPA 13 and NFPA 72. Any deficiencies in the existing systems which affect the proper operation of them should be corrected to make the system(s) function properly.
3. Emergency Access Key Boxes, Penn Valley FPD Ordinance 05-1. All structures which are not residential and not occupied on a twenty-four (24) hour basis shall utilize the Knox Rapid Entry System for emergency fire district access. It is the responsibility of the building

owner and/or occupant to provide this agency with proper and current keys to secure in the Knox Rapid Entry box.

4. Defensible Space and Access, Nevada County Land Use Code/Public Resources Code. Both access points (Pleasant Valley Road and the Sun Forest Drive access road) must remain accessible for emergency use. Such access points may only be secured if proper unlocking systems are contained within the required Knox Box (see above). All areas of the property within 100 feet of a structure must maintain compliance with the requirements in Public Resources Code 4291. All areas on the property that are within 100 feet of an adjoining property having a structure on it must meet the requirements of Nevada County Hazardous Vegetation Management Ordinance.
5. The site shall be compliant with the Defensible Space/Vegetation Management standards listed and shall be maintained in perpetuity for the duration of the Use Permit.
 - a. Vegetation clearance around structures shall meet the minimum requirements of Public Resources Code Section 4291. Structures shall have a maintained Defensible Space/Fuel Reduction Zone by removing, limbing, and/or thinning trees, brush, flammable vegetation or combustible growth including seasonal grasses no less than 100 feet from structures or to the property line, whichever is closer.
 - b. A minimum 10' (foot) Fuel Modification Zone shall be maintained adjacent to all vehicular pathways and parking areas.

E. CALIFORNIA DEPARTMENT OF FISH & WILDLIFE

1. **Notice of Determination Fee.** Pursuant to Section 21089 of the California Public Resource Code and Section 711.4 et. seq. of the California Fish & Wildlife Code, a fee, currently \$2,406.75, must be paid as a condition of filing the Notice of Determination for this project. This fee must be submitted to the Planning Department within 5 days of the permit approval with the check made payable to the County Clerk, County of Nevada. Without payment of this fee, the 30-day Statute of Limitations on court challenges to this project's approved environmental document will remain open, which could affect the permit validity. This fee is required to be collected on behalf of the State Department of Fish & Wildlife.