Appendix B

Laws, Policies, Ordinances, and Executive Orders

B.1 International Guidelines

B.1.1 World Health Organization

The World Health Organization (WHO) adopted guidelines in response to growing concerns over adverse health effects associated with community noise occurrence (Berglund et al. 1999). Noise occurring at nighttime was identified as a growing concern, given the potential for sleep disruption when loud noises occur during the overnight period. WHO recommends that for work which must be conducted during nighttime, it should be governed by an 8–hour Leq of 45 dBA; an additional criterion of 60 dBA Lmax throughout this 8–hour period is also recommended for discrete or single-noise events. The criteria are to be applied at the exterior façade of any occupied residence that could be impacted by the nighttime noise generation. For consistency in analyzing nighttime noise impacts for Proposed Project/Proposed Action activities throughout California, criteria based on these WHO standards are employed.

B.1.2 International Fire Code

The International Fire Code (IFC), created by the International Code Council, is the primary means for authorizing and enforcing procedures and mechanisms to ensure the safe handling and storage of any substance that may pose a threat to public health and safety. The IFC regulates the use, handling, and storage requirements for hazardous materials at fixed facilities. The IFC and the International Building Code use a hazard classification system to determine what measures are required to protect against structural fires. These measures may include construction standards, separations from property lines, and specialized equipment. To ensure that these safety measures are met, IFC employs a permit system based on hazard classification. The IFC is updated every 3 years.

B.2 Federal Laws

B.2.1 National Environmental Policy Act

NEPA established a national policy for protection of the environment. The objectives of NEPA are "to declare a national policy which will encourage productive and enjoyable harmony between man and his environment; to promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man; to enrich the understanding of the ecological systems and natural resources important to the Nation; and to establish a Council on Environmental Quality" (42 USC 4321). To assist federal agencies in fulfilling the goals and effectively implementing the requirements of NEPA, in 1978 the Council on Environmental Quality issued regulations for implementing the procedural aspects of NEPA (40 CFR Parts 1500–1508).

As required under NEPA, a proposed action such as the Project requires a statement of the action's purpose and need. The purpose of the proposed action is to minimize wildlife damage and threats to agricultural resources (including crops and infrastructure), livestock, natural resources, and public health and safety in the State of California under the proposed CDFA/USDA Project.

Pursuant to NEPA regulations (40 CFR 1500–1508), project impacts are evaluated based on the criteria of context and intensity. Context means the affected environment in which a proposed project occurs. Intensity refers to the severity of the impact, which is examined in terms of the type, quality, and sensitivity of the resource involved; location and extent of the effect; duration of the effect (short or long term); and other considerations of context. Impacts are described in terms of beneficial, not adverse, or adverse. Pursuant to the NEPA and CEQ regulations, WS NEPA documents the analyses resulting from proposed federal actions, informs decision makers and the public of reasonable alternatives capable of avoiding or minimizing adverse impacts, and serves as a decision-aiding mechanism to ensure that the policies and goals of the NEPA are infused into federal agency actions. NEPA documents are prepared by integrating as many of the natural and social sciences as relevant to the decisions, based on the potential effects of the proposed actions. The direct, indirect, and cumulative impacts of the proposed action are analyzed.

USDA is the lead agency under NEPA and therefore responsible for review of the environmental impacts of the Project and for ensuring that the program is in accordance with state and federal goals, objectives, or other requirements. In that capacity, CDFA and USDA must assess the potential for adverse direct, indirect, and cumulative impacts on the environment that may result from approval and implementation of the Project.

B.2.2 Farmland Protection Policy Act

The Farmland Protection Policy Act (7 U.S.C. Section 4201 et seq.) is intended to minimize the impact Federal programs have on the unnecessary and irreversible conversion of farmland to nonagricultural uses. It assures that to the extent possible federal programs are administered to be compatible with state, local units of government, and private programs and policies to protect farmland. For the purpose of the Farmland Protection Policy Act, farmland includes prime farmland, unique farmland, and land of statewide or local importance. Projects are subject to the Farmland Protection Policy Act if they may irreversibly convert farmland (directly or indirectly) to nonagricultural use and are completed by a Federal agency or with assistance from a Federal agency.

B.2.3 United States Forest Service

There are seven Southern California and 11 Northern California National Forests in California.[1] The Forest and Rangeland Renewable Resources Planning Act (RPA) as amended by the National Forest Management Act (NFMA) of 1976, establishes a process for developing, amending, and revising land management plans (including setting standards for timber sales, policies to regulate timber harvesting, and managing demand for lumber with sustainability) for National Forests. The NFMA's objectives require the U.S. Forest Service (USFS) to consider recreation, range, watershed, wildlife, and fisheries purposes in the forest planning process. California falls within the USFS's pacific southwest region (Region 5), which includes 20 million acres of forest. Region 5 also includes Hawaii and the U.S. Affiliated Pacific Islands.

B.2.4 Endangered Species Act

Federal ESA (16 USC 1531 et seq.), as amended, is administered by USFWS, National Oceanic and Atmospheric Administration, and National Marine Fisheries Service (NMFS). This legislation is intended to provide a means to conserve the ecosystems upon which endangered and threatened species depend, and provide programs for the

[1] Humboldt-Toiyabe National Forest is shared with the state of Nevada.

conservation of those species, thus preventing extinction of plants and wildlife. As part of this regulatory act, Federal ESA provides for designation of Critical Habitat, defined in Federal ESA Section 3(5)(A) as specific areas within the geographical range occupied by a species where physical or biological features "essential to the conservation of the species" are found and that "may require special management considerations or protection." Critical Habitat may also include areas outside the current geographical area occupied by the species that are nonetheless "essential for the conservation of the species." Under provisions of Section 9(a)(1)(B) of Federal ESA, it is unlawful to "take" any listed species. "Take" is defined in Section 3(19) of Federal ESA as, harassing, harming, pursuing, hunting, shooting, wounding, killing, trapping, capturing, or collecting, or attempting to engage in any such conduct.

Section 7(a)(2) of Federal ESA directs federal agencies to consult with USFWS for any actions they authorize, fund, or carry out that may jeopardize the continued existence of any listed species or result in the destruction or adverse modification of federally designated Critical Habitat. Consultation begins when the federal agency submits a written request for initiation to USFWS or NMFS, along with the agency's Biological Assessment of its proposed action (if necessary), and USFWS or NMFS accepts that sufficient information has been provided to initiate consultation. If USFWS or NMFS concludes that the action is not likely to adversely affect a listed species, the action may be conducted without further review under Federal ESA. Otherwise, USFWS or NMFS must prepare a written Biological Opinion describing how the agency's action will affect the listed species and its Critical Habitat.

B.2.5 Migratory Bird Treaty Act

The Migratory Bird Treaty Act (MBTA) regulates or prohibits taking, killing, possession of, or harm to migratory bird species listed in Title 50, Section 10.13 of the Code of Federal Regulations (CFR). The MBTA is an international treaty for the conservation and management of bird species that migrate through more than one country and is enforced in the United States by USFWS. Hunting of specific migratory game birds is permitted under the regulations listed in Title 50, Section 20 of the CFR. The MBTA was amended in 1972 to include protection for migratory birds of prey (raptors). On December 22, 2017, the Department of Interior issued a legal opinion (M-Opinion 37050) that interpreted the above prohibitions as only applying to direct and purposeful actions of which the intent is to kill, take, or harm migratory birds, their eggs, or their active nests. Incidental take of birds, eggs, or nests that are not the purpose of such an action, even if they are direct and foreseeable results, was not prohibited. However, on January 7, 2021, USFWS published a final rule (the January 7th rule) that codified the previous administration's interpretation, which after further review was determined to be inconsistent with the majority of relevant court decisions and readings of the MBTA's text, purpose, and history. On May 5, 2021, USFWS published a rule to revoke the January 7th rule, which would result in a return to implementing the statute as prohibiting incidental take. On July 19, 2021, the USFWS announced the availability of two revised economic analysis documents for public review that evaluate the potential for the proposed rule to impact small entities, including businesses, governmental jurisdictions, and other organizations. The public review period on these documents ended on August 19, 2021.

To help reduce damage caused by migratory birds, with the except of eagles and threatened and endangered species, USFWS can issue an individual or group permit for capture or lethal methods to remove the birds. WS-California provides technical assistance to the permittees and conducts damage evaluations for USFWS to inform the permit process. Non-lethal methods, including habitat management and dispersal, must be deemed ineffective before lethal methods can be applied.

USFWS can also issue federal utility permits for the collection, transport, and temporary possession of migratory birds found dead on utility property, structures, and rights-of-way for mortality monitoring purposes. Permits are issued to utility companies responsible for communication towers and electric, wind, solar, and other power generation and transmission for post-construction monitoring or emergency situation active nest relocation or destruction.

B.2.6 Clean Water Act

Pursuant to Section 404 of the Clean Water Act, USACE regulates the discharge of dredged and/or fill material into "waters of the United States." The term "wetlands" (a subset of waters) is defined as "those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas" (33 CFR 328.3[b]). In the absence of wetlands, the limits of USACE jurisdiction in non-tidal waters, such as intermittent streams, extend to the "ordinary high-water mark" (33 CFR 328.3[e]).

On May 25, 2023, the Supreme Court issued its long-anticipated decision in Sackett v. EPA., in which it rejected the EPA's claim that "waters of the United States," as defined in the CWA, includes wetlands with an ecologically significant nexus to traditional navigable waters. The Supreme Court held that only those wetlands with a continuous surface water connection to traditional navigable waterways would be afforded federal protection under the CWA. Specifically, to assert jurisdiction over an adjacent wetland under the CWA, a party must establish that (1) the adjacent body of water constitutes water[s] of the United States' (i.e., a relatively permanent body of water connected to traditional interstate navigable waters) and (2) the wetland has a continuous surface connection with that water, making it difficult to determine where the water ends and the wetland begins. The Clean Water Rule was modified to reflect this Supreme Court decision in September 2023.

B.2.7 Bald and Golden Eagle Protection Act

The Bald and Golden Eagle Protection Act (16 USC 668 et seq.) provides for the protection of both bald eagles (*Haliaeetus leucocephalus*) and golden eagles (*Aquila chrysaetos*). Specifically, the act prohibits take of eagles, which is defined as any action that would "pursue, destroy, shoot at, poison, wound, kill, capture, trap, collect, molest or disturb" bald and golden eagles, including parts, nests, or eggs. The term "disturb" is further defined by regulation as "to agitate or bother a bald or golden eagle to a degree that causes, or is likely to cause, injury to an eagle, a decrease in productivity, or nest abandonment" (50 CFR 22.3). Under the Bald and Golden Eagle Protection Act, it is also illegal to "sell, purchase, barter, trade, import, or export, or offer for sale, purchase, barter, or trade, at any time or in any manner, any bald eagle or any golden eagle, or the parts, nests, or eggs" of these birds. Pursuant to 50 CFR 22.26, and as of the latest amendment to the act in December 2016, a permit may be obtained that authorizes take of bald eagles and golden eagles where the take is "compatible with the preservation of the bald eagle and the golden eagle; is necessary to protect an interest in a particular locality; is associated with, but not the purpose of, the activity; and cannot practicably be avoided." A permit is not needed to harass eagles that are not located near a nest.

B.2.8 Coastal Zone Management Act of 1972, as amended (16 USC 1451-1464, Chapter 33; P.L. 92-583, October 27, 1972; 86 Stat. 1280).

This law established a voluntary national program within the Department of Commerce to encourage coastal states to develop and implement coastal zone management plans. Funds were authorized for cost-sharing grants to states to develop their programs. Subsequent to federal approval of their plans, grants would be awarded for implementation purposes. In order to be eligible for federal approval, each state's plan was required to define boundaries of the coastal zone, identify uses of the area to be regulated by the state, determine the mechanism (criteria, standards or regulations) for controlling such uses, and develop broad guidelines for priorities of uses within the coastal zone. In addition, this law established a system of criteria and standards for requiring that federal actions be conducted in a manner consistent with the federally approved plan. The standard for determining consistency varied depending on whether the federal action involved a permit, license, financial assistance, or a federally authorized activity. As appropriate, a consistency determination would be conducted by WS to assure management actions would be consistent with the particular state's Coastal Zone Management Program established under the Coastal Zone Management Act CGS Sections 22a-90 to 22a-111.

B.2.9 Fish and Wildlife Act of 1956 (section 742j-1) - Airborne Hunting

The Airborne Hunting Act, passed in 1971 (Public Law 92-159), and amended in 1972 (Public Law 92-502) was added to the Fish and Wildlife Act of 1956 as a new section (16 USC 742j-l). The USFWS regulates the Airborne Hunting Act but has given implementation to the States. This act prohibits shooting or attempting to shoot, harassing, capturing or killing any bird, fish, or other animal from aircraft except for certain specified reasons. Under exception [see 16 USC 742j-l, (b)(1)], state and federal agencies are allowed to protect or aid in the protection of land, water, wildlife, livestock, domesticated animals, human life, or crops using aircraft.

B.2.10 The Wilderness Act (Public Law 88-577 (USC 1131-1136))

The Wilderness Act established a national preservation system to protect areas "where the earth and its community life are untrammeled by man" for the United States. Wilderness areas are devoted to the public for recreational, scenic, scientific, educational, conservation, and historical use. This includes the grazing of livestock where it was established prior to the enactment of the law (Sept. 3, 1964) and damage management is an integral part of a livestock grazing program. The Act did leave management authority for fish and wildlife with the state for those species under their jurisdiction.

B.2.11 National Historic Preservation Act (NHPA), of 1966 as amended.

The NHPA and its implementing regulations (36 CFR 800) requires federal agencies to: 1) determine whether activities they propose constitute "undertakings" that can result in changes in the character or use of historic

properties and, 2) if so, to evaluate the effects of such undertakings on such historic resources and consult with the State Historic Preservation Office (SHPO) regarding the value and management of specific cultural, archaeological and historic resources, and 3) consult with appropriate Native American tribes to determine whether they have concerns for traditional cultural properties in areas of these federal undertakings.

The National Register of Historic Places (NRHP) is the United States' official list of districts, sites, buildings, structures, and objects worthy of preservation[2]. Overseen by the National Park Service under the U.S. Department of the Interior, the NRHP was authorized under the NHPA, as amended (54 U.S.C. 302101). Its listings encompass all National Historic Landmarks and historic areas administered by the National Park Service.

Under federal regulations, a significant traditional cultural property, landscape, or other resource of Native American traditional religious or cultural importance is eligible for inclusion in the NRHP because of its association with cultural practices or beliefs of a living community that (a) are rooted in that community's history and (b) are important in maintaining the continuing cultural identity of the community.

A historic property is defined as "any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the NRHP maintained by the Secretary of the Interior. This term includes artifacts, records, and remains that are related to and located within such properties. The term includes properties of traditional religious and cultural importance to an Indian tribe or Native Hawaiian organization and that meet the NRHP criteria" (36 CFR Sections 800.16[i][1]).

Effects on historic properties under Section 106 of the NHPA are defined in the assessment of adverse effects in 36 CFR 800.5(a)(1):

- An adverse effect is found when an undertaking may alter, directly or indirectly, any of the characteristics of a historic property that qualify the property for inclusion in the National Register in a manner that would diminish the integrity of the property's location, design, setting, materials, workmanship, feeling, or association. Consideration shall be given to all qualifying characteristics of a historic property, including those that may have been identified subsequent to the original evaluation of the property's eligibility for the National Register.
- Adverse effects may include reasonably foreseeable effects caused by the undertaking that may occur later in time, be farther removed in distance or be cumulative.

Adverse effects on historic properties are clearly defined and include the following (36 CFR 800.5 [2]):

(i) Physical destruction of or damage to all or part of the property;

(ii) Alteration of a property, including restoration, rehabilitation, repair, maintenance, stabilization, hazardous material remediation and provision of handicapped access, that is not consistent with the Secretary's Standards for the Treatment of Historic Properties (36 CFR Part 68) and applicable guidelines;

(iii) Removal of the property from its historic location;

(iv) Change of the character of the property's use or of physical features within the property's setting that contributes to its historic significance;

[2] The criteria for listing a site with the National Register of Historic Places (NRHP), as well as a current list of registered sites in California, can be found on the National Park Service (NPS) website: https://www.nps.gov/subjects/nationalregister/index.htm.

(v) Introduction of visual, atmospheric or audible elements that diminish the integrity of the property's significant historic features;

(vi) Neglect of a property which causes its deterioration, except where such neglect and deterioration are recognized qualities of a property of religious and cultural significance to an Indian tribe or Native Hawaiian organization; and

(vii) Transfer, lease, or sale of property out of Federal ownership or control without adequate and legally enforceable restrictions or conditions to ensure long-term preservation of the property's historic significance.

If adverse effects findings are expected to result from a project, mitigation would be required, as feasible, and resolution of those adverse effects by consultation may occur to avoid, minimize, or mitigate adverse effects on historic properties pursuant to 36 CFR 800.6(a).

Tribal Consultation, Coordination, and Collaboration

Federally Recognized Tribes are independent sovereign nations with their own cultures and government processes. The USDA has a well-defined strategy for tribal consultation, coordination, and collaboration. Key information pertaining to this process is provided on the USDA website[3].

In general, Section 106 of the NHPA and the NEPA process require that lead agencies for federal regulatory compliance make a reasonable and good faith effort to identify Native American tribes and Native Hawaiian organizations that might attach religious and cultural significance to a resource that may be affected by an undertaking and invite them to be consulting parties to assist in the identification of resources that could potentially be impacted by the Proposed Project.

WS-California has a responsibility as the lead federal agency of this EIS/EIR to engage interested Federally Recognized Tribes in consultation (the NHPA as implemented under 36 CFR 800.2). Sections 1501.1 and 1501.7 of the CEQ Regulations also advise the involvement of tribes that may be affected by federal actions (40 CFR 1501, NEPA and Agency Planning). In addition to the processes and best practices developed by the USDA, the Advisory Council of Historic Preservation has prepared a guidance document about tribal consultation, Consultation with Indian Tribes in the Section 106 of the NHPA Process: A Handbook[4].

The Bureau of Indian Affairs (BIA) was contacted during outreach to Federal agencies to be a cooperating agency (Regional Director Amy Dutschke/Deputy Regional Director Ryan Hunter linked here - https://www.bia.gov/regional-offices/pacific)?

From APHIS Directive 1040.3:

An agency of the U.S. Department of the Interior, the BIA is the principal agent of the U.S. in carrying on the government-to-government relationship between the U.S. and federally recognized Native American Tribes and carrying out the responsibilities of the U.S. as trustee for property it holds in trust for federally recognized tribes and individual Native Americans.

3 USDA tribal consultation guidelines are provided here: https://www.usda.gov/tribalrelations/tribal-consultations.
4 See the Advisory Council of Historic Preservation's website at http://www.achp.gov.

B.2.12 U.S. Environmental Protection Agency

Title 40 USC, Chapter 1, Subchapter I, Parts 260-265 – Solid Waste Disposal Act/ Federal Resource Conservation and Recovery Act of 1976

The Solid Waste Disposal Act, as amended and revised by the Resource Conservation and Recovery Act (RCRA), establishes requirements for the management of solid wastes (including hazardous wastes), landfills, USTs, and certain medical wastes. The statute also addresses program administration; implementation and delegation to the states; enforcement provisions and responsibilities; and research, training, and grant funding. Provisions are established for the generation, storage, treatment, and disposal of hazardous waste, including requirements addressing generator record keeping, labeling, shipping paper management, placarding, emergency response information, training, and security plans.

Title 40 USC, Chapter 1, Subchapter I, Part 273 – Universal Waste

This regulation governs the collection and management of widely generated waste, including batteries, pesticides, mercury-containing equipment, and bulbs. This regulation streamlines the hazardous waste management standards and ensures that such waste is diverted to the appropriate treatment or recycling facility.

Title 42 U.S. Code of Federal Regulations, Chapter 116 – Emergency Planning and Community Right-to-Know Act

The Emergency Planning and Community Right-to-Know Act (EPCRA) provides for public access to information about chemical hazards. The EPCRA and its regulations included in Title 40 U.S.C. Parts 350-372 establish four types of reporting obligations for facilities storing or managing specified chemicals: emergency planning, emergency release notification, hazardous chemical storage reporting requirements, and toxic chemical release inventory. USEPA maintains a database, termed the Toxic Release Inventory, which includes information on reportable releases to the environment.

Title 15 USC, Chapter 53, Subchapter I, Section 2601 et seq. – Toxic Substances Control Act of 1976

The Toxic Substances Control Act (TSCA) of 1976 empowers USEPA to require reporting, record-keeping, and testing, as well as to place restrictions on the use and handling of chemical substances and mixtures.

Regional Screening Levels (RSLs)

The federal EPA provides regional screening levels for chemical contaminants to provide comparison values for residential and commercial/industrial exposures to soil, air, and tap water (drinking water). RSLs are available on the EPA's website and provide a screening level calculation tool to assist risk assessors, remediation project managers, and others involved with risk assessment and decision-making. RSLs are also used when a site is initially investigated to determine if potentially significant levels of contamination are present to warrant further investigation. In California, the Department of Toxic Substances Control (DTSC) Human and Ecological Risk Office (HERO) incorporated the EPA RSLs into the HERO human health risk assessment. HERO created Human Health Risk Assessment (HHRA) Note 3, which incorporates HERO recommendations and DTSC-modified screening levels (DTSC-SLs) based on review of the EPA RSLs. The DTSC-SL should be used in conjunction with the EPA RSLs to evaluate chemical concentrations in environmental media at California sites and facilities.

B.2.13 U.S. Department of Labor, Occupational Safety and Health Administration

Title 29 USC, Part 1926 et seq. – Safety and Health Regulations for Construction

These standards require employee training; personal protective equipment; safety equipment; and written procedures, programs, and plans for ensuring worker safety when working with hazardous materials or in hazardous work environments during construction activities, including renovations and demolition projects and the handling, storage, and use of explosives. These standards also provide rules for the removal and disposal of lead materials. Although intended primarily to protect worker health and safety, these requirements also guide general facility safety. This regulation also requires that an engineering survey is prepared prior to demolition.

Title 29 USC, Part 1910 et seq. – Occupational Safety and Health Standards

Under this regulation, facilities that use, store, manufacture, handle, process, or move hazardous materials are required to conduct employee safety training; inventory safety equipment relevant to potential hazards; have knowledge on safety equipment use; prepare an illness prevention program; provide hazardous substance exposure warnings; prepare an emergency response plan and prepare a fire prevention plan.

B.2.14 U.S. Department of Transportation

Title 49 USC, Part 172, Subchapter C – Shipping Papers

The Department of Transportation established standards for the transport of hazardous materials and hazardous wastes. The standards include requirements for labeling, packaging, and shipping hazardous materials and hazardous wastes, as well as training requirements for personnel completing shipping papers and manifests.

B.2.15 Federal Response Plan

The Federal Response Plan of 1999, as amended in 2003 (FEMA 2003) is a signed agreement among 27 federal departments and agencies, including the American Red Cross, that (1) provides the mechanism for coordinating delivery of federal assistance and resources to augment efforts of state and local governments overwhelmed by a major disaster or emergency; (2) supports implementation of the Robert T. Stafford Disaster Relief and Emergency Act, as well as individual agency statutory authorities; and (3) supplements other federal emergency operations plans developed to address specific hazards. The Federal Response Plan is implemented in anticipation of a significant event likely to result in a need for federal assistance or in response to an actual event requiring federal assistance under a presidential declaration of a major disaster or emergency.

B.2.16 Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)

Title 7 USC, Section 136 et seq.

The FIFRA law of 1947 federally governs the registration, sale, and use of pesticides. All pesticides distributed or sold in the United States must be registered (licensed) by U.S. EPA. Pesticides that will be distributed in interstate commerce must be registered with the U.S. Department of Agriculture (USDA). The 1972 Amendment to FIFRA allows the U.S. EPA to delegate enforcement authority to the individual states through cooperative agreements. In California, the Department of Pesticide Regulation enforces pesticide use and regulations.

Prior to registration of a pesticide, it must be shown the pesticide, when used in accordance with specifications, "will not generally cause unreasonable adverse effects on the environment."

B.2.17 Federal Aviation Administration Standards

Enforced by the Federal Aviation Administration, Code of Federal Regulations (CFR) Title 14, Part 150, prescribes the procedures, standards, and methodology governing the development, submission, and review of airport noise exposure maps and airport noise compatibility programs, including the process for evaluating and approving or disapproving those programs. Title 14 also identifies those land uses that are normally compatible with various levels of exposure to noise by individuals. The Federal Aviation Administration has determined that interior sound levels up to 45 dBA L_{dn} (or CNEL) are acceptable within residential buildings. The Federal Aviation Administration also considers residential land uses to be compatible with exterior noise levels at or less than 65 dBA L_{dn} (or CNEL). Noise generating activities conducted at airports for the purpose of discouraging avian species from roosting, nesting, or foraging within airport facility property would be subject to these noise level limits at proximate residential properties. Because noise contours associated with airport operations are largely dependent upon low altitude aircraft maneuvers (descent and ascent for landing and take-off) it is reasonable to apply the same residential noise exposure limits to low altitude aircraft operations conducted for WDMWDM activities, even though such is not covered under airport noise regulations.

B.2.18 Federal Housing and Urban Development Standards

The U.S. Department of Housing and Urban Development (HUD) has also established an exterior noise exposure limit of 65 L_{dn} for residences (24 CFR 51 Subpart B). For consistency in analyzing noise impacts for Proposed Project activities throughout California, a criterion based on the HUD and FAA standards of 65 dBA L_{dn} is applied for daytime management activity. Proposed Project activities would be temporary in duration, with associated equipment and vehicles operating only for hours or days at a time, and at several different locations per deployment. Thus, the predicted acoustical combination of these probable brief or intermittent activity-related noises occurring throughout the day, calculated as a day- night sound level that includes periods when no noise is expected, is compared with 65 dBA L_{dn} that HUD and FAA consider an acceptable standard for exterior noise exposure at residences (the most common noise-sensitive land use/receiver). Activities that must be conducted at night (10:00 p.m. to 7:00 a.m.) are evaluated against a more restrictive limit (refer to the World Health Organization standards, above).

B.2.19 Department of the Interior, Bureau of Land Management (BLM)

Public land that is managed by the Bureau of Land Management (BLM), which is an agency within the United States Department of the Interior (DOI), is present within California. The BLM is subject to regulations established in Title 43 (Public Land: Interior) of the CFR. The CFR criteria applicable to activities carried out on land administered by the BLM and are provided below:

43 CFR 8365.2-5 – Public health, safety and comfort.

On developed recreation sites and areas, unless otherwise authorized, no person shall:

(a) Discharge or use firearms, other weapons, or fireworks;

43 CFR 8365.2-2 – Audio devices.

On developed recreation sites, or areas, unless otherwise authorized, no person shall:

(a) Operate or use any audio device such as a radio, television, musical instrument, or other noise producing device or motorized equipment in a manner that makes unreasonable noise that disturbs other visitors.

B.2.20 Department of Agriculture, US Forest Service (USFS)

California contains land that is managed by the United States Forest Service (USFS), which is an agency within the United States Department of Agriculture (USDA). The USFS is subject to regulations established in Title 36 (Parks, Forests, and Public Property) of the CFR. 36 CFR 261 Subpart A contains a broad discussion of prohibitions applicable to acts and omissions occurring in the National Forest System or on a National Forest System road or trail, as well as property administered by the USFS. 36 CFR 261 Subpart B describes the process by which the Chief, each Regional Forester, each Experiment Station Director, the Administrator of the Lake Tahoe Basin Management Unit, and each Forest Supervisor may issue orders which close or restrict the use of described areas within the area over which they have jurisdiction. Lastly, 36 CFR 261 Subpart C provides for issuance of regulations by the Chief, and each Regional Forester to whom the Chief has delegated authority, prohibiting acts or omissions within all or any part of the area over which they have jurisdiction. The CFR criteria applicable to the project activities carried out on land administered by the USFS are provided below:

36 CFR 261.10 – Occupancy and use.

The following are prohibited:

(d) Discharging a firearm or any other implement capable of taking human life, causing injury, or damaging property as follows:

(i) Operating or using in or near a campsite, developed recreation site, or over an adjacent body of water without a permit, any device which produces noise, such as a

radio, television, musical instrument, motor or engine in such manner and at such a time so as to unreasonably disturb any person.

(k) Use or occupancy of National Forest System land or facilities without special-use authorization when such authorization is required.

(l) Violating any term or condition of a special-use authorization, contract or approved operating plan.

(p) Use or occupancy of National Forest System lands or facilities without an approved operating plan when such authorization is required.

B.2.21 USDA Directives

https://www.aphis.usda.gov/aphis/ourfocus/wildlifedamage/SA_WS_Program_Directives

B.3 State

B.3.1 Williamson Act

The California Land Conservation Act, known as the Williamson Act (California Government Code Section 51200 et seq.), has been the State's agricultural land protection program since its enactment in 1965. The California legislature passed the Williamson Act in 1965 to preserve agricultural and open space lands by discouraging premature and unnecessary conversion to urban uses. The Williamson Act creates an arrangement whereby private landowners contract with counties and cities to voluntarily restrict land to agricultural and open space uses. The vehicle for these agreements is a rolling 10-year contract (i.e., unless either party files a "notice of non-renewal," the contract is automatically renewed annually for an additional year). In return, restricted parcels are assessed for property tax purposes at a rate consistent with their actual use, rather than potential market value.

B.3.2 California Public Resources Code

The State provides definitions related to forestland and timber resources. The following sections of the California Public Resources Code (PRC) and California Government Code (Government Code) related to forest resources are reproduced herein as follows:

PRC Section 12220(g)

(g) "Forest land" is land that can support 10-percent native tree cover of any species, including hardwoods, under natural conditions, and that allows for management of one or more forest resources, including timber, aesthetics, fish and wildlife, biodiversity, water quality, recreation, and other public benefits.

PRC Section 4526

"Timberland" means land, other than land owned by the federal government and land designated by the board as experimental forest land, which is available for, and capable of, growing a crop of trees of a commercial species used to produce lumber and other forest products, including Christmas trees. Commercial species shall be determined by the board on a district basis.

Government Code Section 51104

(g) "Timberland production zone" or "TPZ" means an area which has been zoned pursuant to Section 51112 or 51113 and is devoted to and used for growing and harvesting timber, or for growing and harvesting timber and compatible uses, as defined in subdivision (h).

B.3.3 Farmland Mapping and Monitoring Program

The FMMP is a non-regulatory program implemented by the DOC, Division of Land Resource Protection. The FMMP was established in 1982 to continue the Important Farmland mapping efforts begun in 1975 by the USDA. Government Code Section 65570 mandates the FMMP to biennially report to the Legislature on the conversion of farmland and grazing land, and to provide maps and data to local government and the public. The FMMP produces Important Farmland Maps, which are a hybrid of resource quality (soils) and land use information, based on the prior federal NRCS program. Land is classified into eight categories. Prime Farmland, Farmland of Statewide Importance, and Unique Farmland are considered "Farmland" for the purposes of the California Environmental Quality Act (CEQA) (the conversion of which may be a significant impact).

B.3.4 California Endangered Species Act

CDFW administers the California Endangered Species Act (CESA) (California Fish and Game Code [CFGC], Section 2050 et seq.), which prohibits the take of plant and animal species designated by the California Fish and Game Commission as endangered, candidate, or threatened in the State of California. Under CESA Section 86, take is defined as to "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill." CESA Sections 2080 through 2085 address the taking of threatened, endangered, or candidate species by stating, "no person shall import into this state, export out of this state, or take, possess, purchase, or sell within this state, any species, or any part or product thereof, that the Commission determines to be an endangered species or a threatened species, or attempt any of those acts, except as otherwise provided in this chapter, the Native Plant Protection Act (CFGC Sections 1900–1913), or the California Desert Native Plants Act (Food and Agricultural Code, Section 80001)."

Sections 2081(b) and (c) of the CFGC authorize take of endangered, threatened, or candidate species if take is incidental to otherwise lawful activity and if specific criteria are met. In certain circumstances, Section 2080.1 of CESA allows CDFW to adopt a federal incidental take statement or a 10(a) permit as its own, based on its findings that the federal permit adequately protects the species and is consistent with state law. A Section 2081(b) permit may not authorize the take of "Fully Protected" species, "specially protected mammal" species, and "specified birds" (CFGC Sections 3505, 3511, 4700, 4800, 5050, 5515, and 5517). If activities are planned in an area where a Fully Protected species, specially protected mammal, or a specified bird occurs, CDFA and WS-California must take precautions to avoid take.

B.3.5 Natural Community Conservation Planning Act

In 1991, California's Natural Community Conservation Planning (NCCP) Act (CFGC Section 2800 et seq.) was enacted to implement broad-based planning that balances appropriate development and growth with conservation of wildlife and habitat. Pursuant to the NCCP Act, local, state, and federal agencies are encouraged to prepare NCCP programs to provide comprehensive management and conservation of multiple species and their habitats under a single plan, rather than through preparation of numerous individual plans on a project-by-project basis. The NCCP Act is broader in its orientation and objectives than are the CESA and FESA. Additionally, preparation of an NCCP program is a voluntary action. The primary objective of an NCCP program is to conserve natural communities at the ecosystem scale while accommodating compatible land use. To be approved by CDFW, an NCCP program must provide for the conservation of species and protection and management of their habitat and natural communities in the plan area in perpetuity. There are currently 14 approved NCCP programs, including 6 subarea plans, and 20 NCCP programs in various planning stages throughout California.

Section 2835 of the CFGC allows CDFW to authorize incidental take in an NCCP program. Take may be authorized for identified species whose conservation and management is provided for in the NCCP program, whether the species is listed as threatened or endangered under FESA or CESA, provided that the NCCP program complies with the conditions established in Section 2081 of the CFGC.

B.3.6 California Fish and Game Code

B.3.6.1 Lake and Streambed Alteration Program

Under Sections 1600–1616 of the CFGC, CDFW regulates activities that would alter the flow, bed, channel, or bank of streams and lakes. The limits of CDFW's jurisdiction are defined in the code as the "bed, channel or bank of any river, stream, or lake designated by the department in which there is at any time an existing fish or wildlife resource or from which these resources derive benefit" (CFGC Section 1601). In practice, CDFW usually marks its jurisdictional limit at the top of the stream or bank or at the outer edge of the riparian vegetation, whichever is wider.

B.3.6.2 Fully Protected Species and Resident and Migratory Birds

Sections 3511, 4700, 5050, and 5515 of the California Fish and Game Code designate certain birds, mammals, reptiles and amphibians, and fish as Fully Protected species. Fully Protected species may not be taken or possessed without a permit from the Fish and Game Commission. CDFW may not authorize the take of such species except (1) for necessary scientific research, (2) for the protection of livestock, (3) when the species is a covered species under an approved natural community conservation plan, or (4) as legislatively authorized by the passing of a State Assembly Bill.

In addition, the California Fish and Game Code prohibits the needless destruction of nests or eggs of native bird species (California Fish and Game Code, Section 3503), and it states that no birds in the orders of Falconiformes or Strigiformes (birds of prey) can be taken, possessed, or destroyed (California Fish and Game Code, Section 3503.5).

For the purposes of these state regulations, CDFW currently considers an active nest as one that is under construction or in use and includes existing nests that are being modified. For example, if a hawk is adding to or maintaining an existing stick nest in a transmission tower, then it would be considered to be active and covered under these California Fish and Game Code Sections.

B.3.6.3 Other Regulations Pertaining to Birds and Mammals

CFGC Sections 3470 et seq. authorize wildlife hazing, harassment, and depredation on California's public use airports certified by the FAA. Authorization must be provided through a valid USFWS depredation permit and implemented through an integrated wildlife management program with emphasis on non-lethal management techniques. Taking of a Fully Protected, candidate, threatened, or endangered species is not permitted.

CFGC Section 3950 lists the following as game mammals: deer (genus *Odocoileus*); elk (genus *Cervus*); pronghorned antelope (genus *Antilocapra*); wild pigs, including feral pigs and European wild boars (genus *Sus*); black and brown or cinnamon bears (genus *Euarctos*); mountain lions (genus *Felis*); jackrabbits and varying hares (genus *Lepus*); cottontails, brush rabbits, and pigmy rabbits (genus *Sylvilagus*); and tree squirrels (genus *Sciurus* and *Tamiasciurus*). Methods for taking game mammals are outlined in Sections 3000 et seq. of the CFGC.

CFGC Section 4000 lists the following as fur-bearing mammals: pine marten (i.e., American marten; *Martes americana*), fisher (*Pekania pennanti*), mink (*Neovison vison*), river otter (*Lontra canadensis*), gray fox (*Urocyon cinereoargenteus*), red fox (*Vulpes vulpes*), kit fox (*Vulpes macrotis*), raccoon (*Procyon lotor*), beaver (*Aplodontia rufa*), badger (*Taxidea taxus*), and muskrat (*Ondatra zibethicus*). In accordance with CFGC Section 4180, fur-bearing mammals that are injuring property may be taken at any time and in any manner.

In accordance with CFGC Section 4150, a mammal occurring naturally in California that is not a game mammal, fully protected mammal, or fur-bearing mammal is a non-game mammal. CFGC Section 4152 states that non-game mammals and black-tailed jackrabbits (*Lepus californicus*), muskrats, red fox that are not the native Sierra Nevada red fox (*Vulpes vulpes necator*), and red fox squirrels (*Sciurus niger*) that are found to be injuring growing crops or other property may be taken at any time or in any manner. CFGC Section 4152 also states that "they may also be taken by officers or employees of the Department of Food and Agriculture or by federal, county, or city officers or employees when acting in their official capacities pursuant to the Food and Agricultural Code pertaining to pests, or pursuant to Article 6 (commencing with Section 6021) of Chapter 9 of Part 1 of Division 4 of the Food and Agricultural Code." Relatedly, the California Fish and Game Commission states that the following non-game birds and mammals may be taken at any time of the year and in any number: English sparrow (*Passer domesticus*), starling (*Sturnus vulgaris*), domestic pigeon (*Columba livia*) except as prohibited in CFGC Section 3680, coyote (*Canis latrans*), weasel (*Mustela* sp.), skunk (*Mephitis sp.*), opossum (*Didelphis virginiana*), mole (*Scapanus sp.*), and rodent (excluding tree and flying squirrels, and those listed as fur-bearers, endangered, or threatened species).

In 2019 AB 1254 was passed directing CDFW to, among other things, develop a Bobcat Management Plan (CFGC 4158). The Code specifically calls for the management plan to include consultation with CDFA regarding the investigation of efficacious nonlethal solutions to prevent bobcat predation on livestock, primarily chickens or other domestic animals that the CDFA deems needing widespread protections from bobcats. This Code does not, however, disallow lethal wildlife damage management of bobcat provided a depredation permit is obtained (refer to Section B.3.7).

B.3.7 CDFW Depredation Permits

CFGC Section 4181 states that any owner or tenant of land or property being damaged or destroyed or in danger of being damaged or destroyed by elk (*Cervus elaphus*), bear, bobcat (*Lynx rufus*), beaver, wild pig, wild turkey (*Meleagris gallopavo*), or gray squirrel (*Sciurus sp.*) may apply to CDFW for a permit to kill the animals. Upon satisfactory evidence of threatened or actual damage or destruction, CDFW shall issue a depredation permit prior to taking an animal. The issuance of a depredation permit is considered a ministerial action (14 CCR 757[b][4]) as identified under CDFW's implementing regulations (Title 14 of the California Code of Regulations). The depredation permit will specify the methods used for take (including prohibited methods or ammunition), use of traps, number of individuals, and requirements for carcass disposal, as well as the time period for which the permit is valid. The depredation permit is issued to the party experiencing loss or damage rather than to WS-California or CDFA. However, upon request from the permittee, WS-California or CDFA may act on the permittee's behalf to remove the animal.

CFGC Sections 4802 et seq. allow for the issuance of depredation permits to individuals reporting livestock loss or damage caused by mountain lions (*Puma concolor*), if the loss or damage is confirmed by CDFW staff to have been caused by mountain lion.

B.3.8 California Native Plant Protection Act

The Native Plant Protection Act of 1977 (California Fish and Game Code, Sections 1900–1913) directed CDFW to carry out the legislature's intent to "preserve, protect and enhance rare and endangered plants in this State." The Native Plant Protection Act gave the Fish and Game Commission the power to designate native plants as "endangered" or "rare," and prohibited take, with some exceptions, of endangered and rare plants. When CESA was amended in 1984, it expanded on the original Native Plant Protection Act, enhanced legal protection for plants, and created the categories of "threatened" and "endangered" species to parallel FESA. The 1984 amendments to CESA also made the exceptions to the take prohibition set forth in Section 1913 of the Native Plant Protection Act applicable to plant species listed as threatened or endangered under CESA. CESA categorized all rare animals as threatened species under CESA, but did not do so for rare plants, which resulted in three listing categories for plants in California: rare, threatened, and endangered. The Native Plant Protection Act remains part of the California Fish and Game Code, and mitigation measures for impacts to rare plants are specified in a formal agreement between CDFW and project proponents.

B.3.9 Porter–Cologne Water Quality Control Act

The intent of the Porter–Cologne Water Quality Control Act is to protect water quality and the beneficial uses of water, and it applies to both surface water and groundwater. Under this law, the State Water Resources Control Board develops statewide water quality plans, and the RWQCBs develop basin plans that identify beneficial uses, water quality objectives, and implementation plans. The RWQCBs have the primary responsibility to implement the provisions of both statewide and basin plans. All waters of the state are regulated under the Porter–Cologne Water Quality Control Act, including isolated waters that are no longer regulated by USACE. Recent changes in state procedures require increased analysis and mitigation. Developments with impact to jurisdictional waters of the state must demonstrate compliance with the goals of the act by developing stormwater pollution prevention plans, standard urban stormwater mitigation plans, and other measures to obtain a Clean Water Act, Section 401 certification and/or Waste Discharge Requirement.

B.3.10 California Environmental Quality Act

CEQA requires identification of a project's potentially significant impacts on biological resources and feasible mitigation measures and alternatives that could avoid or reduce significant impacts. CEQA Guidelines, Section 15380(b)(1), defines endangered animals or plants as species or subspecies whose "survival and reproduction in the wild are in immediate jeopardy from one or more causes, including loss of habitat, change in habitat, overexploitation, predation, competition, disease, or other factors" (14 CCR 15000 et seq.). A rare animal or plant is defined in Section 15380(b)(2) as a species that, although not presently threatened with extinction, exists "in such small numbers throughout all or a significant portion of its range that it may become endangered if its environment worsens; or … [t]he species is likely to become endangered within the foreseeable future throughout all or a significant portion of its range and may be considered 'threatened' as that term is used in the federal Endangered Species Act." Additionally, an animal or plant may be presumed to be endangered, rare, or threatened if it meets the criteria for listing, as defined further in CEQA Guidelines, Section 15380(c). CEQA also requires identification of a project's potentially significant impacts on riparian habitats (e.g., wetlands, bays, estuaries, and marshes) and other sensitive natural communities, including habitats occupied by endangered, rare, and threatened species.

As described further, the following CEQA statutes (PRC Section 21000 et seq.) and CEQA Guidelines (14 CCR 15000 et seq.) are of relevance to the analysis of archaeological, historic, and tribal cultural resources:

- PRC Section 21083.2(g) defines "unique archaeological resource."
- PRC Section 21084.1 and CEQA Guidelines Section 15064.5(a) defines "historical resources." In addition, CEQA Guidelines Section 15064.5(b) defines the phrase "substantial adverse change in the significance of an historical resource"; it also defines the circumstances when a project would materially impair the significance of a historical resource.
- PRC Section 21074(a) defines "tribal cultural resources."
- PRC Section 5097.98 and CEQA Guidelines Section 15064.5(e) set forth standards and steps to be employed following the accidental discovery of human remains in any location other than a dedicated ceremony.
- PRC Sections 21083.2(b) and 21083.2(c) and CEQA Guidelines Section 15126.4 provide information regarding the mitigation framework for archaeological and historic resources, including examples of preservation-in-place mitigation measures. Preservation in place is the preferred manner of mitigating impacts to significant archaeological sites because it maintains the relationship between artifacts and the archaeological context and may also help avoid conflict with religious or cultural values of groups associated with the archaeological site(s).

More specifically, under CEQA, a project may have a significant effect on the environment if it may cause "a substantial adverse change in the significance of an historical resource" (PRC Section 21084.1; CEQA Guidelines Section 15064.5(b)). If a site is listed or eligible for listing in the CRHR, or included in a local register of historic resources, or identified as significant in a historical resources survey (meeting the requirements of PRC Section 5024.1(q)), it is an "historical resource" and is presumed to be historically or culturally significant for purposes of CEQA (PRC Section 21084.1; CEQA Guidelines Section 15064.5(a)). The lead agency is not precluded from determining that a resource is a historical resource even if it does not fall within this presumption (PRC Section 21084.1; CEQA Guidelines Section 15064.5(a)).

A "substantial adverse change in the significance of an historical resource" reflecting a significant effect under CEQA means "physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historical resource would be materially impaired" (CEQA Guidelines Section 15064.5(b)(1); PRC Section 5020.1(q)). In turn, the significance of a historical resource is materially impaired when a project does any of the following:

(1) Demolishes or materially alters in an adverse manner those physical characteristics of an historical resource that convey its historical significance and that justify its inclusion in, or eligibility for, inclusion in the California Register; or

(2) Demolishes or materially alters in an adverse manner those physical characteristics that account for its inclusion in a local register of historical resources pursuant to Section 5020.1(k) of the PRC or its identification in an historical resources survey meeting the requirements of Section 5024.1(g) of the PRC, unless the public agency reviewing the effects of the project establishes by a preponderance of evidence that the resource is not historically or culturally significant; or

(3) Demolishes or materially alters in an adverse manner those physical characteristics of a historical resource that convey its historical significance and that justify its eligibility for inclusion in the California Register as determined by a lead agency for purposes of CEQA (CEQA Guidelines Section 15064.5(b)(2)).

Pursuant to these sections, the CEQA inquiry begins with evaluating whether a project site contains any "historical resources," then evaluates whether that project will cause a substantial adverse change in the significance of a historical resource such that the resource's historical significance is materially impaired.

If it can be demonstrated that a project will cause damage to a unique archaeological resource, the lead agency may require reasonable efforts be made to permit any or all of these resources to be preserved in place or left in an undisturbed state. To the extent that they cannot be left undisturbed, mitigation measures are required (PRC Sections 21083.2(a)–(c)).

Section 21083.2(g) defines a unique archaeological resource as an archaeological artifact, object, or site about which it can be clearly demonstrated that without merely adding to the current body of knowledge, there is a high probability that it meets any of the following criteria:

(1) Contains information needed to answer important scientific research questions and that there is a demonstrable public interest in that information.

(2) Has a special and particular quality such as being the oldest of its type or the best available example of its type.

(3) Is directly associated with a scientifically recognized important prehistoric or historic event or person (PRC Section 21083.2(g)).

Impacts on non-unique archaeological resources are generally not considered a significant environmental impact (PRC Section 21083.2(a); CEQA Guidelines Section 15064.5(c)(4)). However, if a non-unique archaeological resource qualifies as a tribal cultural resource (PRC Sections 21074(c) and 21083.2(h)), further consideration of significant impacts is required.

CEQA Guidelines Section 15064.5 assigns special importance to human remains and specifies procedures to be used when Native American remains are discovered. As described below, these procedures are detailed in PRC Section 5097.98.

B.3.11 The California Register of Historical Resources (CRHR)

In California, the term "historical resource" includes, but is not limited to, "any object, building, structure, site, area, place, record, or manuscript which is historically or archaeologically significant, or is significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California" (PRC Section 5020.1(j)). In 1992, the California legislature established the California Register of Historical Resources (CRHR) "to be used by state and local agencies, private groups, and citizens to identify the state's historical resources and to indicate what properties are to be protected, to the extent prudent and feasible, from substantial adverse change" (PRC Section 5024.1(a)).[5]

The CRHR protects cultural resources by requiring evaluations of the significance of prehistoric and historic resources. The criteria for the CRHR are nearly identical to those for the NRHP, and properties listed or formally designated as eligible for listing in the NRHP are automatically listed in the CRHR, as are the state landmarks and points of interest. The CRHR also includes properties designated under local ordinances or identified through local historical resource surveys.

B.3.12 California State Assembly Bill 52 (AB 52)

AB 52 of 2014 amended PRC Section 5097.94 and added PRC Sections 21073, 21074, 21080.3.1, 21080.3.2, 21082.3, 21083.09, 21084.2, and 21084.3. AB 52 established that TCRs must be considered under CEQA and also provided for additional Native American consultation requirements for the lead agency. Section 21074 describes a TCR as a site, feature, place, cultural landscape, sacred place, or object that is considered of cultural value to a California Native American tribe and that is either:

- On or determined to be eligible for the California Register of Historical Resources or a local historic register; or
- A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Section 5024.1.

AB 52 formalizes the lead agency–tribal consultation process, requiring the lead agency to initiate consultation with California Native American groups that are traditionally and culturally affiliated with the project site, including tribes that may not be federally recognized. The CDFA is the lead state agency for this EIS/EIR. Lead agencies are required to begin consultation prior to the release of a negative declaration, mitigated negative declaration, or environmental impact report.

Section 1 (a)(9) of AB 52 establishes that "a substantial adverse change to a tribal cultural resource has a significant effect on the environment." Effects on TCRs should be considered under CEQA. Section 6 of AB 52 adds Section 21080.3.2 to the PRC, which states that parties may propose mitigation measures "capable of

[5] The criteria for listing a site with the California Register of Historic Resources (CRHR), as well as a current list of registered sites, can be found on the California Office of Historic Preservation (OHP) website: https://ohp.parks.ca.gov/?page_id=21238

avoiding or substantially lessening potential significant impacts to a tribal cultural resource or alternatives that would avoid significant impacts to a tribal cultural resource." Further, if a California Native American tribe requests consultation regarding project alternatives, mitigation measures, or significant effects to tribal cultural resources, the consultation shall include those topics (PRC Section 21080.3.2[a]). The environmental document and the mitigation monitoring and reporting program (where applicable) shall include any mitigation measures that are adopted (PRC Section 21082.3[a]).

B.3.13 California Government Code Section 65302

California Government Code Section 65302 requires cities and counties to include a statement of development polices setting forth objectives, principals, standards and plan purposes for policy areas, including safety, in their general plan. The purpose of the safety element is to provide for community protection from unreasonable risks associated with, among other things wildland and urban fires. The element must also address evacuation routes, peak load water supply requirements, clearance around structures and minimum road widths, and other items related to fire hazards.

B.3.14 California Public Resources Code

California Public Resources Code (PRC) Sections 4130 and 4144, establishes that the Board of Forestry and Fire Protection (Board) shall classify all lands within SRAs into types of land and determine the intensity of protection for each land type. Additionally the Board shall develop a plan for adequate statewide fire protection and can enter into cooperative agreement for the purposes of preventing and suppressing fires.

Strategic Fire Plan for California

The Strategic Fire Plan (2018) is the statewide fire protection plan and CAL FIRE's vision for reducing the risk of wildlife (improving fire resiliency) and protection within SRAs. The plan provides broad strategic guidance and direction for assessing community assets at risk of wildfire damage. The focus of the plan is: (1) fire prevention and suppression activities to protect lives, property, and ecosystem services, and (2) natural resource management. The Plan emphasizes inclusive collaboration among local, state, federal, tribal, and private partners and includes annual updates/feedback from Unit Fire Plans (CAL FIRE is a decentralized agency with 21 administrative field units and 6 contract counties). The scope of the Plan includes Executive Order B-52-18 (2018) and establishment of the California Forest Management Task Force.

B.3.15 California Code of Regulations

The California Code of Regulations (CCR) Title 14. Natural Resources, Division 1.5, Department of Forestry and Fire Protection, provides the state adopted regulations for CAL FIRE. This includes organization, operation, provides definitions and standards for fire prevention. Title 19. Public Safety, Division 1, State Fire Marshal, includes safety regulations and standards as they relate to fire, including use of equipment such as fire extinguishers, as well as fireworks and explosives.

California Occupational Safety and Health Administration

In accordance with 8 CCR 1270 "Fire Prevention" and 6773 "Fire Protection and Fire Equipment" the California Occupational Safety and Health Administration (Cal/OSHA) has established minimum standards for fire suppression and emergency medical services. The standards include, but are not limited to, guidelines on the handling of highly combustible materials, fire hose sizing requirements, restrictions on the use of compressed air, access roads, and the testing, maintenance and use of all firefighting and emergency medical equipment.

Emergency Response/Evacuation Plans

19 CCR Division 2 describes the Office of Emergency Services (OES) and the Standard Emergency Management System (SEMS) program, which sets forth measures by which a jurisdiction should handle emergency disasters. Non-compliance with SEMS could result in the state withholding disaster relief from the non-complying jurisdiction in the event of an emergency disaster.

B.3.16 California Unified Program for Management of Hazardous Waste and Materials

California Health and Safety Code (HSC), Division 20, Chapter 6.11, Sections 25404-25404.9 Sections– Unified Hazardous Waste and Hazardous Materials Management Regulatory Program

Under the California Environmental Protection Agency (CalEPA), the Department of Toxic Substances Control (DTSC) and Enforcement and Emergency Response Program (EERP) administer the technical implementation of California's Unified Program, which consolidates the administration, permit, inspection, and enforcement activities of several environmental and emergency management programs at the local level (DTSC 2019). Certified Unified Program Agencies (CUPAs) implement the hazardous waste and materials standards. This program was established under the amendments to the California HSC made by SB 1082 in 1994. The programs that make up the Unified Program are:

- Aboveground Petroleum Storage Act (APSA) Program
- Area Plans for Hazardous Materials Emergencies
- California Accidental Release Prevention (CalARP) Program
- Hazardous Materials Release Response Plans and Inventories (Hazardous Materials Business Plans, or HMBPs)
- Hazardous Material Management Plan (HMMP) and Hazardous Material Inventory Statements (HMIS)
- Hazardous Waste Generator and On-site Hazardous Waste Treatment (Tiered Permitting) Program
- Underground Storage Tank Program

The CUPA for a given project site will depend on its location.

Title 19 CCR, Chapter 2, Subchapter 3, Sections 2729-2734/California HSC Division 20, Chapter 6.95, Sections 25500–25520

This regulation requires the preparation of an HMBP by facility operators. The HMBP identifies the hazards, storage locations, and storage quantities for each hazardous chemical stored on-site. The HMBP is submitted to the CUPA for emergency planning purposes.

B.3.17 Hazardous Waste Management

Title 22 CCR, Division 4.5 – Environmental Health Standards for the Management of Hazardous Waste

In the State of California, the Department of Toxic Substances Control (DTSC) regulates hazardous wastes. Associated regulations establish requirements for the management and disposal of hazardous waste in accordance with the provisions of the California Hazardous Waste Control Act and federal RCRA. As with federal requirements, waste generators must determine if their wastes are hazardous according to specified characteristics or lists of wastes. Hazardous waste generators must obtain identification numbers; prepare manifests before transporting waste off-site; and use only permitted treatment, storage, and disposal facilities. Standards also include requirements for record keeping, reporting, packaging, and labeling. Additionally, while not a federal requirement, California requires that hazardous waste be transported by registered hazardous waste transporters.

In addition, Chapter 31 – Waste Minimization, Article 1 – Pollution Prevention and the Hazardous Waste Source Reduction and Management Review of these regulations require that generators of 12,000 kilograms/year of typical, operational hazardous waste evaluate their waste streams every four years and, as applicable, select and implement viable source reduction alternatives. This Act does not apply to non-typical hazardous waste, including ACM and PCBs, among others.

Title 22 California HSC, Division 20, Chapter 6.5 – California Hazardous Waste Control Act of 1972

This legislation created the framework under which hazardous wastes must be managed in California. It provides for the development of a state hazardous waste program (regulated by DTSC) that administers and implements the provisions of the federal RCRA program. It also provides for the designation of California-only hazardous wastes and development of standards that are equal to or, in some cases, more stringent than, federal requirements. The CUPA is responsible for implementing some elements of the law at the local level.

Human Health Risk Assessment Note 3 –DTSC-Modified Screening Levels (DTSC-SLs)

HHRA Note Number 3 presents recommended screening levels (derived from the EPA RSLs using DTSC-modified exposure and toxicity factors) for constituents in soil, tap water, and ambient air. The DTSC-SL should be used in conjunction with the EPA RSLs to evaluate chemical concentrations in environmental media at California sites and facilities.

B.3.18 Environmental Cleanup Levels

Environmental Screening Levels

Environmental Screening Levels (ESLs) provide protective screening levels for over 100 chemicals found at sites with contaminated soil and groundwater. They are intended to help expedite the identification and evaluation of potential environmental concerns at contaminated sites. The ESLs were developed by San Francisco Bay Regional Water Quality Control Board; however, they are used throughout the state. While ESLs are not intended to establish policy or regulation, they can be used as protective screening levels for sites with contamination. Other agencies in California currently use the ESLs (as opposed to RSLs). In general, the ESLs could be used at any site in the State of California, provided all stakeholders agree (SFBRWQCB 2019). In recent experience, regulatory agencies in various regions use ESLs as regulatory cleanup levels. The ESLs are not generally used at sites where the contamination is solely related to a leaking underground storage tank (LUST); those sites are instead subject to the Low-Threat Underground Storage Tank Closure Policy.

B.3.19 California Department of Transportation/California Highway Patrol

Title 13 CCR, Division 2, Chapter 6

California regulates the transportation of hazardous waste originating or passing through the state. The California Highway Patrol (CHP) and the California Department of Transportation (Caltrans) have primary responsibility for enforcing federal and state regulations and responding to hazardous materials transportation emergencies. CHP enforces materials and hazardous waste labeling and packing regulations that prevent leakage and spills of material in transit and provides detailed information to cleanup crews in the event of an incident. Vehicle and equipment inspection, shipment preparation, container identification, and shipping documentation are all part of the responsibility of CHP. CHP conducts regular inspections of licensed transporters to ensure regulatory compliance. Caltrans has emergency chemical spill identification teams at locations throughout the state. Hazardous waste must be regularly removed from generating sites by licensed hazardous waste transporters. Transported materials must be accompanied by hazardous waste manifests.

B.3.20 Occupational Safety and Health

Title 8 CCR – Safety Orders

Under the California Occupational Safety and Health Act of 1973, the California Occupational Safety and Health Administration (CalOSHA) is responsible for ensuring safe and healthful working conditions for California workers. CalOSHA assumes primary responsibility for developing and enforcing workplace safety regulations in Title 8 of the CCR. CalOSHA hazardous substances regulations include requirements for safety training, availability of safety equipment, hazardous substance exposure warnings, and emergency action and fire prevention plan preparation. CalOSHA also enforces hazard communication program regulations, which contain training and information requirements, including procedures for identifying and labeling hazardous substances. The hazard communication program also requires that Material Safety Data Sheets be available to employees and that employee information and training programs be documented.

In Division 1, Chapter 4, Subchapter 4 – Construction Safety Orders of Title 8, construction safety orders are listed and include rules for demolition, excavation, explosives work, working around fumes and vapors, pile driving, vehicle and traffic control, crane operation, scaffolding, fall protection, and fire protection and prevention, among others.

B.3.21 California Forestry and Fire Protection

2010 Strategic Fire Plan for California

Public Resources Code Sections 4114 and 4130 authorize the State Board of Forestry to establish a fire plan that establishes the levels of statewide fire protection services for State Responsibility Area (SRA) lands. These levels of service recognize other fire protection resources at the federal and local level that collectively provide a regional and statewide emergency response capability. In addition, California's integrated mutual aid fire protection system provides fire protection services through automatic and mutual aid agreements for fire incidents across all ownerships. The California Fire Plan is the state's road map for reducing the risk of wildfire through planning and prevention to reduce firefighting costs and property losses, increase firefighter safety, and to contribute to ecosystem health.

B.3.22 California State Fire Marshal

Title 19 CCR, Division 1, Chapter 10 – Explosives

This regulation addresses the sale, transportation, storage, use, and handling of explosives in California. Requirements for obtaining permits from the local Fire Chief having jurisdiction and blasting guidelines (such as blasting times, warning devices, and protection of adjacent structures and utilities) are also explained in Chapter 10 of Title 19.

B.3.23 California Emergency Services Act

Under the Emergency Services Act (California Government Code, Section 8550 et seq.), the State of California developed an emergency response plan to coordinate emergency services provided by federal, state, and local agencies. Rapid response to incidents involving hazardous materials or hazardous waste is an integral part of the plan, which is administered by the Governor's Office of Emergency Services. The Office of Emergency Services coordinates the responses of other agencies, including the EPA, California Highway Patrol, Regional Water Quality Control Boards, air quality management districts, and county disaster response offices.

B.3.24 California Accidental Release Prevention Program

Similar to the EPA Risk Management Program, the California Accidental Release Prevention (CalARP) Program (19 CCR 2735.1 et seq.) regulates facilities that use or store regulated substances, such as toxic or flammable chemicals, in quantities that exceed established thresholds. Under the regulations, industrial facilities that handle hazardous materials above threshold quantities are required to prepare and submit a hazardous materials business plan (HMBP) to the local CUPA via the California Environmental Reporting System. As part of the HMBP, a facility is further required to specify applicability of other state regulatory programs. The overall purpose of CalARP is to prevent accidental releases of regulated substances and reduce the severity of releases that may

occur. The CalARP Program meets the requirements of the EPA Risk Management Program, which was established pursuant to the Clean Air Act Amendments.

B.3.25 California Dig Alert

CA Government Code 4216

In accordance with CA Government Code 4216.2, an excavator planning to conduct an excavation shall notify the appropriate regional notification center of the intent to excavate between 2 and 14 calendar days prior to excavation activities. When the excavation is proposed within 10 feet of a "high priority subsurface installation", which includes high pressure natural gas and petroleum pipelines, the operator of the high priority subsurface installation shall notify the excavator of the existing of the installation and set up an onsite meeting to determine actions required to verify location and prevent damage to the installation. The excavator shall not begin excavating until the onsite meeting is complete.

B.3.26 Department of Pesticide Regulation

The California Department of Pesticide Regulation (DPR) has primary responsibility for pesticide use enforcement in California. Local enforcement is extended through county agricultural commissioners (CACs). The DPR is divided into three branches, Enforcement, Worker Health & Safety, and Pest Management and Licensing. Legislature and regulations covering the DPR are mainly provided in the Food and Agriculture Code (FAC) of California Law.

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These regulations provide for proper, safe, and effective use of pesticides essential for production of food and fiber and for protection of public health and safety, as well as protect the environment from environmentally harmful pesticides; assure worker safety during application of pesticides; permit pest control by competent and responsible licensees; assure proper labeling; and encourage development and implementation of pest management systems, with emphasis on biological and cultural pest control techniques, using pesticides only when necessary.

B.3.27 California Department of Transportation Vibration Standards

The California Department of Transportation (Caltrans) conducted extensive research on human annoyance and damage to structures caused by vibration from short term construction activities and from long term highway operations. The criteria established by Caltrans are commonly used to assess vibration impacts from all types of projects and activities; for consistency in analyzing vibration impacts for Proposed Project activities throughout California, criteria based on the Caltrans standards are employed. Caltrans uses a threshold of 0.2 in/sec PPV for annoyance to persons, where a continuous vibration source is involved; for transient sources (represented by construction activities), Caltrans uses a threshold of 0.24 in/sec PPV (which equates to a distinctly perceptible level). For commercial buildings constructed of concrete and steel, Caltrans identifies a damage threshold of 0.5 in/sec PPV. For residential structures employing concrete foundation and wood frame construction, Caltrans identifies a conservative damage threshold vibration level standard of 0.3 in/sec PPV (Caltrans 2020b).

B.3.28 California Noise Control Act of 1973

Sections 46000 through 46080 of the California Health and Safety Code, known as the California Noise Control Act of 1973, declares that excessive noise is a serious hazard to the public health and welfare and that exposure to certain levels of noise can result in physiological, psychological, and economic damage. It also identifies a continuous and increasing bombardment of noise in urban, suburban, and rural areas. The California Noise Control Act declares that the State of California has a responsibility to protect the health and welfare of its citizens by the control, prevention, and abatement of noise. It is the policy of the state to provide an environment for all Californians free from noise that jeopardizes their health or welfare.

B.3.29 California Right-to-Farm Act of 1981

Section 3482.5 of the California Civil Code, known as the California Right-to-Farm (RTF) Act, protects certain types of agriculture operations from nuisance lawsuits when such operations impact neighboring property, for example through the creation of noise or air pollution (i.e., odors). California's RTF protections apply to either private nuisance suits (those brought by neighbors or private citizens) or public nuisance suits (those brought by the government on behalf of the public). Only commercial agricultural operations, activities, and facilities receive protection from nuisance suits under California's RTF; such protections are afforded after a commercial agricultural enterprise has been in operation for three years. While the California RTF provides protection against nuisance suits, it does not exempt agricultural operations from any obligation for compliance with applicable restrictions or standards under other state, federal, or local statutes and regulations. In particular, the California RTF does not exempt an agricultural activity or program from CEQA's mandate to implement feasible mitigation to avoid or reduce impacts, including adhering to noise requirements/criteria in the EIR/EIS.

B.3.30 Office of Planning and Research General Plan Guidelines

The State of California's General Plan Guidelines published by the Office of Planning and Research (OPR 2003) evaluate the compatibility of various land uses as a function of community noise exposure. According to the OPR Guidelines, the maximum recommended exterior noise exposure level for residences, motels, and hotels is 65 dBA L_{dn} or CNEL.

B.3.31 California Department of Parks and Recreation

California Department of Parks and Recreation (CA State Parks), which is an agency of the State of California, manages park properties throughout the State. CA State Parks is subject to regulations established in Division 3 of Title 14 (Department of Parks and Recreation) of the California Code of Regulations (CCR). The CCR criteria applicable to Project activities that could be conducted within CA State Park properties are provided below:

Special Permits (14 CCR 4309)

The Department may grant a permit to remove, treat, disturb, or destroy animals or geological, historical, archaeological or paleontological materials; and any person who has been properly granted such a permit shall to that extent not be liable for prosecution for violation of the foregoing.

Control of Animals (14 CCR 4312)

(c) No person shall keep a noisy, vicious, or dangerous dog or animal or one which is disturbing to other persons, in any unit and remain therein after he/she has been asked by a peace officer to leave.

Peace and quiet (14 CCR 4320)

(c) No person shall, at any time, use outside machinery or electronic equipment including electrical speakers, radios, phonographs, televisions, or other devices, at a volume which is, or is likely to be, disturbing to others without specific permission of the Department.

B.4 Local

B.4.1 County Involvement

As when other land or resource owners request WDM assistance, counties may serve as the main point of contact with tribes on WDM issues. Counties with a Cooperative Service Agreement (CSA) have arranged for WDM issues to be addressed by WS-California. As such, coordination on WDM activities (e.g., including situations like recent introduction of invasive species or a zoonotic disease outbreak) within a tribes' area may occur with counties, directly with WS-California, or other state and federal agencies, as necessary.

B.4.2 Agricultural Commissioners and County-Level Pesticide Regulation

On a local level, pesticide use can be regulated by the county agricultural commissioner. These departments may provide increased county-level regulations in addition to State DPR regulations, and they generally enforce the laws and regulations set by both agencies.

As defined by the California Department of Food and Agriculture, the county agricultural commissioners carry out the programs associated with pest exclusion, detection, eradication, and management, and pesticide enforcement.

B.5 Local Jurisdiction Regulations (Noise)

There are a total of 58 counties and 482 cities within California, a quantity that makes discussion of individual noise regulations per jurisdiction unmanageable. However, Government Code, Title 7 (Planning and Land Use), requires each City and County to prepare a General Plan, of which a Noise Element is a mandatory component. While each jurisdiction has the authority under their adopted Noise Element to establish unique noise exposure limits for each land use category, the OPR issued guidelines for preparation of Noise Elements has a maximum recommended exterior noise exposure level for noise-sensitive land uses including residences, motels, and hotels of 65 dBA L_{dn} or CNEL. Consequently, the most commonly adopted exterior limit found in local General Plans for these land uses is 65 dBA CNEL (or L_{dn}), which can generally be assumed to be applicable for Project activities performed in areas subject to local jurisdiction authority. Nevertheless, the CDFA and WS-California would rely on and coordinate with local agencies to identify local noise regulations applicable to Proposed Project activities.

Local noise regulations or policies may have more stringent noise thresholds than those adopted herein for purposes of impact significance assessment and the corresponding potential need for mitigation. The Proposed Project would not authorize entities to violate or supersede such applicable requirements, irrespective of the conclusions of this analysis. However, local noise regulations often exempt agricultural operations and related activities from one or more of their provisions (e.g., exterior noise thresholds at or beyond receiving property lines of the sound source), so coordination between local agencies and the CDFA, Counties, and WS-California could identify or define Proposed Project features or processes that qualify for such exemptions or exceptions. For example, in some counties, there may be exemptions for sound sources associated with agricultural operations on agricultural lands that are carried out in aa manner consistent with the practice and within the standards of the agricultural industry. This could include mechanical devices, apparatus or equipment utilized for the protection or salvage of agricultural crops during periods of adverse weather conditions or when the use of mobile sources is necessary for pest control.

Furthermore, some counties or municipalities may provide a codified process for waivers (at the discretion of a local officer, or via permission from a neighboring receptor or land use) that may be appropriate for short-duration WDM activities and would depend on allowable timeframes and other qualifying conditions. Thus, where applicable, these exemptions, exceptions, and waivers could relieve the WDM activities from meeting local thresholds that are more stringent than those used herein to determine adverse effects and significant impacts. Nevertheless, while noise and/or vibration emission from certain WDM activities may be deemed lawful by the local agency, the following assessment criteria represent “standards of other agencies” as expected by CEQA to evaluate potentially significant impacts and determine mitigation needs.

B.6 Executive Orders

B.6.1 Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations (Executive Order 12898)

Executive Order 12898 promotes the equitable treatment of people of all races, income levels, and cultures with respect to the development and implementation of federal actions, and enforcement of environmental laws, regulations and policies. Executive Order 12898 requires federal agencies to make environmental justice part of their mission, and to identify and address, when appropriate, disproportionately high and adverse human health and environmental effects of federal programs, policies, and activities on minority and low-income persons or populations.

B.6.2 Protection of Children from Environmental Health and Safety Risks (Executive Order 13045)

Children may suffer disproportionately for many reasons from environmental health and safety risks, including the development of their physical and mental status. This executive order requires federal agencies to evaluate and consider during decision-making the adverse impacts that the federal actions may have on children.

B.6.3 Invasive Species (Executive Order 13112)

Executive Order 13112 establishes guidance for federal agencies to use their programs and authorities to prevent the spread or to control populations of invasive species that cause economic or environmental harm or harm to human health. The Order states that each federal agency whose actions may affect the status of invasive species shall, to the extent practicable and permitted by law: 1) reduce invasion of exotic species and the associated damages, 2) monitor invasive species populations and provide for restoration of native species and habitats, 3) conduct research on invasive species and develop technologies to prevent introduction, and 4) provide for environmentally sound control and promote public education of invasive species. This EO created the National Invasive Species Council (NISC).

B.6.4 Consultation and Coordination with Indian Tribal Governments (EO 13175)

This EO directs federal agencies to provide federally recognized tribes the opportunity for government-to-government consultation and coordination in policy development and program activities that may have direct and substantial effects on their tribe. Its purpose is to ensure that tribal perspectives on the social, cultural, economic, and ecological aspects of agriculture, as well as tribal food and natural-resource priorities and goals, are heard and fully considered in the decision-making processes of all parts of the Federal Government. The APHIS Native American Working Group, created in response to EO 13175 and made up of management and support program personnel, advises APHIS-WS personnel nationwide how they can better serve Tribes, Intertribal committees, and related organizations, and helps coordinate APHIS' partnerships with Tribal governments. The APHIS-WS Tribal Liaison contact information is found at https://www.aphis.usda.gov/aphis/ourfocus/tribalrelations/sa_tribal_contact_us. APHIS Directive 1040.3, "Consultation with Elected Leaders of Federally Recognized Indian Tribes" implements EO 13175. It directs APHIS-WS agencies to provide federally recognized tribes the opportunity for government-to-government consultation and coordination in policy development and program activities that may have direct and substantial effects on their Tribe. Its purpose is to ensure that tribal perspectives on the social, cultural, economic, and ecological aspects of agriculture, as well as tribal food and natural resource priorities and goals, are heard and fully considered in the decision-making processes of all parts of the Federal government. The directive provides detailed definitions relevant to APHIS-WS and tribal government interactions and relationships, laws, and regulations, policy, and APHIS-WS management responsibilities. The directive states regarding interpretations of agency or Tribal policies: "Unless specific judicial rulings or Acts of Congress indicate otherwise, APHIS' policy and philosophy will not be construed as validating the authority of any Native American government over lands or other resources or non-tribal members."

B.6.5 Facilitation of Hunting Heritage and Wildlife Conservation (Executive Order 13443)

This order directs Federal agencies that have activities that have a measurable effect on outdoor recreation and wildlife management, to facilitate the expansion and enhancement of hunting opportunities and the management of game species and their habitat. It directs federal agencies to cooperate with states to conserve hunting opportunities. APHIS-WS cooperates with state wildlife and other resource management agencies in compliance with applicable state laws governing feral swine management. State, territorial, and tribal agencies, not APHIS,

have the authority to determine which species are managed as a game species, hunted, eradicated, contained, or managed for local damages.

B.6.6 Incorporating Ecosystem Services into Federal Decision Making (Presidential Memorandum 10/7/2015)

This memorandum directs Federal agencies to develop and institutionalize policies to promote consideration of ecosystem services, where appropriate and practicable, in planning, investments, and regulatory contexts. This effort includes using a range of qualitative and quantitative methods to identify and characterize ecosystem services, affected communities' needs for those services, metrics for changes to those services, and, where appropriate, monetary and nonmonetary values for those services. It also directs Federal agencies to integrate assessments of ecosystem services, at the appropriate scale, into relevant programs and projects, in accordance with their statutory authority.