APPENDIX A

Abridged List of Major Federal and State Laws, Regulations, and Policies Potentially Applicable to the RTI Infrastructure, Inc. Eureka Subsea Fiber Optic Cables Project

(Updated: December 2020)

Frequently Used Abbreviations

(see also List of Abbreviations and Acronyms in Table of Contents)

§	Section
AB	Assembly Bill
Cal. Code Regs.	California Code of Regulations
Caltrans	California Department of Transportation
CARB	California Air Resources Board
CCC	California Coastal Commission
CDFW	California Department of Fish and Wildlife
CEQA	California Environmental Quality Act
CFR	Code of Federal Regulations
CO_2; CO_2e	Carbon Dioxide; Carbon Dioxide Equivalent
CSLC	California State Lands Commission
EO	Executive Order
Fed. Reg.	Federal Register
GHG	Greenhouse Gas
MOU	Memorandum of Understanding
NMFS	National Marine Fisheries Service
NOx	Nitrogen Oxide
NPDES	National Pollutant Discharge Elimination System
P.L.	Public Law
Pub. Resources Code	Public Resources Code
RWQCB	Regional Water Quality Control Board
SB	Senate Bill
SWRCB	State Water Resources Control Board
U.S.C.	United States Code
USACE	U.S. Army Corps of Engineers
USEPA	U.S. Environmental Protection Agency
USFWS	U.S. Fish and Wildlife Service

APPENDIX A MAJOR FEDERAL AND STATE LAWS, REGULATIONS, AND POLICIES

Appendix A identifies major federal and state laws, regulations and policies (local or regional are presented in each issue area (section) potentially applicable to the RTI Infrastructure, Inc. Eureka Subsea Fiber Optic Cables Project.[1]

MULTIPLE ENVIRONMENTAL ISSUES

Multiple Environmental Issues (Federal)

Coastal Zone Management Act (42 U.S.C. § 4321 et seq.)

The Coastal Zone Management Act recognizes a national interest in coastal zone resources and in the importance of balancing competing uses of those resources, giving full consideration to aesthetic, cultural and historic, ecological, recreational, and other values as well as the needs for compatible economic development. Pursuant to the Act, coastal states develop and implement comprehensive coastal management programs, authorities and enforceable policies, and coastal zone boundaries, among other elements. The Act also gives state coastal management agencies regulatory control ("federal consistency" review authority) over federal activities and federally licensed, permitted or assisted activities, if the activity affects coastal resources; such activities include military projects at coastal locations and outer continental shelf oil and gas leasing, exploration and development. The California Coastal Commission (CCC) and San Francisco Bay Conservation and Development Commission (BCDC) coordinate California's federally approved coastal management programs and federal consistency reviews within their respective jurisdictions.

Multiple Environmental Issues (State)

California Environmental Quality Act (CEQA; Pub. Resources Code, § 21000 et seq.)

CEQA requires state and local agencies to identify significant environmental impacts of their actions and to avoid or mitigate those impacts, if feasible. A public agency must comply with CEQA when it undertakes an activity defined by CEQA as a "project" that must receive some discretionary approval (i.e., the agency has authority to deny the requested permit or approval) which may cause either a direct physical change, or a reasonably foreseeable indirect change, in the environment.

[1] Environmental issue areas are found in State California Environmental Quality Act Guidelines Appendix G (https://www.opr.ca.gov/docs/Appendix_G_AB_52_Update_2016.pdf).

Multiple Environmental Issues (State)
California State Lands Commission (CSLC) and the Common Law Public Trust The CSLC has jurisdiction and management authority over all ungranted tidelands, submerged lands, and the beds of navigable lakes and waterways, as well as certain residual and review authority for tidelands and submerged lands legislatively granted in trust to local jurisdictions (Pub. Resources Code, §§ 6301, 6306). All tidelands and submerged lands, granted or ungranted, as well as navigable lakes and waterways, are subject to the protections of the Common Law Public Trust. As general background, the State of California acquired sovereign ownership of all tidelands and submerged lands and beds of navigable lakes and waterways upon its admission to the U.S. in 1850. The State holds these lands for the benefit of all people of the State for statewide Public Trust purposes, which include but are not limited to waterborne commerce, navigation, fisheries, water-related recreation, habitat preservation, and open space. On tidal waterways, the State's sovereign fee ownership extends landward to the mean high tide line, except for areas of fill or artificial accretion. The CSLC's jurisdiction also includes a section of tidal and submerged land 3 nautical miles wide adjacent to the coast and offshore islands, including bays, estuaries, and lagoons; the waters and underlying beds of more than 120 rivers, lakes, streams, and sloughs; and 1.3 million acres of "school lands" granted to the State by the Federal government to support public education. The CSLC also has leasing jurisdiction, subject to certain conditions, over mineral extraction from State property owned and managed by other State agencies (Pub. Resources Code, § 68910, subd. (b)), and is responsible for implementing a variety of State regulations for activities affecting these State Trust Lands, including implementation of CEQA.
California Coastal Act (Pub. Resources Code, § 30000 et seq.) and California Federal Consistency Program Pursuant to the Coastal Act, the CCC, in partnership with coastal cities and counties, plans and regulates the use of land and water in the coastal zone. The Coastal Act includes specific policies (see Chapter 3) that address issues such as shoreline public access and recreation, lower cost visitor accommodations, terrestrial and marine habitat protection, visual resources, landform alteration, agricultural lands, commercial fisheries, industrial uses, water quality, oil and gas development, transportation, development design, power plants, ports, and public works. Development activities in the coastal zone generally require a coastal permit from either the CCC or the local government: (1) the CCC retains jurisdiction over the immediate shoreline areas below the mean high tide line and offshore areas to the 3 nautical mile State water limit; and (2) following certification of county- and municipality-developed Local Coastal Programs, the CCC has delegated permit authority to many local governments for the portions of their jurisdictions within the coastal zone. The CCC also implements the Coastal Zone Management Act as it applies to federal activities (e.g., development projects, permits, and licenses) in the coastal zone by reviewing specified federal actions for consistency with the enforceable policies of Chapter 3 of the Coastal Act.

AESTHETICS

There are no major federal laws, regulations, and policies potentially applicable to this project

Aesthetics (State)
California Scenic Highway Program (Sts. & Hy. Code, § 260 et seq.) The purpose of California's Scenic Highway Program, which was created by the Legislature in 1963 and is managed by the California Department of Transportation (Caltrans), is to preserve and protect scenic highway corridors from change which would diminish the aesthetic value of lands adjacent to highways. State highways identified as scenic, or eligible for designation, are listed in Streets and Highways Code section 260 et seq. A highway's status changes from eligible to officially designated when a local governmental agency has implemented a corridor protection program for an eligible highway that meets the standards of an official scenic highway (Caltrans 2008).
Coastal Act Chapter 3 policies (see *Multiple Environmental Issues*) The Coastal Act is concerned with protecting the public viewshed, including views from public areas, such as roads, beaches, coastal trails, and access ways. Section 30251 states: Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural landforms, to be visually compatible with the character of the surrounding area, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting. Section 30253 states: New development shall, where appropriate, protect special communities and neighborhoods that, because of their unique characteristics, are popular visitor destination points for recreational uses.

AGRICULTURE AND FORESTRY RESOURCES

There are no major federal laws, regulations, and policies potentially applicable to this project

Agriculture and Forestry Resources (State)
Williamson Act (Gov. Code, §§ 51200-51207) This Act enables local governments to enter into contracts with private landowners to restrict specific parcels of land to agricultural or related open space use, and provides landowners with lower property tax assessments in return. Local government planning departments are responsible for the enrollment of land into Williamson Act contracts and may also identify compatible uses permitted with a use permit. Generally, any commercial agricultural use would be permitted within any agricultural preserve.
Coastal Act Chapter 3 policies (see *Multiple Environmental Issues*) The Coastal Act requires the protection of agricultural lands within the coastal zone by requiring that (1) the maximum amount of prime agricultural land be maintained in production to protect the agricultural economy and (2) conflicts between agricultural and urban uses be minimized through the application of development standards that ensure that new development will not diminish agricultural productivity. Development standards include establishing stable urban-rural boundaries, providing agricultural buffers, ensuring that non-agricultural development is directed first to lands not suitable for agriculture, restricting land divisions and controlling public service expansions. (See: Definitions [§§ 30100.2, 30113, 30106]; Agricultural related Policies [§§ 30222, 30241, 30241.5, 30242, 30243, 30250]; and other public access and resource protection policies that apply to projects on agricultural lands.)

AIR QUALITY

Air Quality (Federal)

Federal Clean Air Act (FCAA) (42 U.S.C. § 7401 et seq.)

The FCAA requires the EPA to identify National Ambient Air Quality Standards (NAAQS) to protect public health and welfare. National standards are established for ozone, carbon monoxide, nitrogen dioxide, sulfur dioxide, particulate matter (PM, or PM10 and PM2.5), and lead. The FCAA mandates that states submit and implement a State Implementation Plan (SIP) for local areas not meeting those standards; plans must include pollution control measures that demonstrate how the standards would be met. Pursuant to the 1990 FCAA amendments, the EPA also regulates hazardous air pollutants (HAPs), which are pollutants that result in harmful health effects, but are not specifically addressed through the establishment of NAAQS. HAPs require the use of the maximum or best available control technology to limit emissions. EPA classifies air basins (or portions thereof) as in "attainment" or "nonattainment" for each criteria air pollutant by comparing monitoring data with State and Federal standards to determine if the NAAQS are achieved. Areas are classified for a pollutant as follows:

- "Attainment" – the pollutant concentration is lower than the standard.
- "Nonattainment" – the pollutant concentration exceeds the standard.
- "Unclassified" – there are not enough data available for comparisons.

In 2007, the U.S. Supreme Court ruled that carbon dioxide (CO_2) is an air pollutant as defined under the FCAA, and that the USEPA has authority to regulate greenhouse gas (GHG) emissions.

The FCAA allows delegation of the enforcement of many of the federal air quality regulations to the states. In California, the California Air Resources Board (CARB) is responsible for enforcing air pollution regulations in concert with regional air pollution control districts.

Marine Diesel Engine Emission Standards.

In March 2008, the EPA adopted more stringent emission standards for locomotives and marine compression-ignition engines (73 Fed. Reg. 37096 (USEPA 2008a)). To reduce emissions from Category 1 (at least 50 horsepower [hp] but less than 7 liters per cylinder displacement) and Category 2 (7 to 30 liters per cylinder displacement) marine diesel engines, the EPA has established emission standards for new engines, referred to as Tier 2 marine engine standards. The Tier 2 standards were phased in from 2004 to 2007 (year of manufacture), depending on the engine size (EPA 1999). The 2008 final rule includes the first-ever national emission standards for existing marine diesel engines, applying to engines larger than 600 kilowatts (kW) when they are remanufactured. The rule also sets Tier 3 emissions standards for newly built engines that began implementation phase-in in 2009. Finally, the rule establishes Tier 4 standards for newly built commercial marine diesel engines above 600 kW, based on the application of high-efficiency catalytic after-treatment technology that began implementation in 2014.

The new diesel marine engine standards will reduce emissions of diesel particulate matter by 90 percent and emissions of nitrogen oxide (NOx) by 80 percent for engines meeting Tier 4 standards, in comparison with engines meeting the current Tier 2 standards. The EPA's three-part program: (1) tightened standards for existing marine diesel engines when they are remanufactured, taking effect as certified remanufacture systems are available starting in 2008; (2) sets near-term emission standards, referred to as Tier 3 standards, for newly built locomotive and diesel marine engines, which reflect the application of currently available technologies to reduce engine-out PM and NOx emissions and phase-in starting in 2009; and (3) applies the final long-term Tier 4 emissions standards to marine diesel engines. These standards are based on the application of high-efficiency catalytic after-treatment technology and would be phased in beginning in 2014 for marine diesel engines. These marine Tier 4 engine standards apply only to commercial marine diesel engines above 600 kW (800 hp) (EPA 2008b).

Air Quality (Federal)
Non-Road Diesel Engine Emission Standards. The EPA has established a series of cleaner emission standards for new off-road diesel engines culminating in the Tier 4 Final Rule of June 2004 (USEPA 2004a). The Tier 1, Tier 2, Tier 3, and Tier 4 standards require compliance with progressively more stringent emission standards. Tier 1 standards were phased in from 1996 to 2000 (year of manufacture), depending on the engine horsepower category. Tier 2 standards were phased in from 2001 to 2006, and the Tier 3 standards were phased in from 2006 to 2008. The Tier 4 standards complement the latest 2007 and later on-road heavy-duty engine standards by requiring 90 percent reductions in diesel particulate matter and NOx when compared against current emission levels. The Tier 4 standards were phased in starting with smaller engines in 2008 until all but the very largest diesel engines were to meet NOx and PM standards in 2015.
On-Road Trucks Emission Standards. To reduce emissions from on-road, heavy-duty diesel trucks, the EPA established a series of cleaner emission standards for new engines, starting in 1988. These emission standards regulations have been revised over time. The latest effective regulation, the 2007 Heavy-Duty Highway Rule, provides for reductions in PM, NOx, and non-methane hydrocarbon emissions that were phased in during the model years 2007 through 2010 (EPA 2000).
National Corporate Average Fuel Economy Standards (CAFÉ) The CAFÉ were first enacted in 1975 to improve the average fuel economy of cars and light duty trucks. On August 2, 2018, the National Highway Traffic Safety Administrative (NHTSA) and EPA proposed to amend the fuel efficiency standards for passenger cars and light trucks and establish new standards covering model years 2021 through 2026 by maintaining the current model year 2020 standards through 2026 (Safer Affordable Fuel-Efficient [SAFE] Vehicles Rule). On September 19, 2019, EPA and NHTSA issued a final action on the One National Program Rule, which is consider Part One of the SAFE Vehicles Rule and a precursor to the proposed fuel efficiency standards. The One National Program Rule enables EPA/NHTSA to provide nationwide uniform fuel economy and GHG vehicle standards, specifically by (1) clarifying that federal law preempts state and local tailpipe GHG standards, (2) affirming NHTSA's statutory authority to set nationally applicable fuel economy standards, and (3) withdrawing California's CAA preemption waiver to set state-specific standards. EPA and NHTSA published their decisions to withdraw California's waiver and finalize regulatory text related to the preemption on September 27, 2019 (84 Federal Register [Fed. Reg.] 51310). California, 22 other states, the District of Columbia, and two cities filed suit against Part One of the SAFE Vehicles Rule on September 20, 2019 (*California et al. v. United States Department of Transportation et a*l., 1:19-cv-02826, U.S. District Court for the District of Columbia). On October 28, 2019, the Union of Concerned Scientists, Environmental Defense Fund (EDF), and other groups filed a protective petition for review after the federal government sought to transfer the suit to the D.C. Circuit (Union of Concerned Scientists v. National Highway Traffic Safety Administration). Opening briefs for the petition are currently scheduled to be completed on November 23, 2020. The lawsuit filed by California and others is stayed pending resolution of the petition. EPA and NTHSA published final rules to amend and establish national CO2 and fuel economy standards on April 30, 2020 (Part Two of the SAFE Vehicles Rule) (85 Fed. Reg. 24174). The revised rule changes the national fuel economy standards for light duty vehicles from 50.4 mpg to 40.5 mpg in future years. California, 22 other states, the District of Columbia filed a petition for review of the final rule on May 27, 2020. The fate of the SAFE Vehicles Rule remains uncertain in the face of pending legal deliberations

Air Quality (State)

California Clean Air Act of 1988 (CCAA)

The CCAA requires all air districts in the State to endeavor, achieve and maintain State ambient air quality standards for ozone, carbon monoxide, sulfur dioxide, nitrogen dioxide, and particulate matter. CARB sets air quality standards for the State at levels to protect public health and welfare with an adequate margin of safety. The California Ambient Air Quality Standards (CAAQS) are generally stricter than national standards for the same pollutants; California also has standards for sulfates, hydrogen sulfide, vinyl chloride, and visibility-reducing particles. The CAAQS describe adverse conditions (i.e., pollution levels must be below these standards before a basin can attain the standard). Air quality is considered in "attainment" if pollutant levels are continuously below or equal to the standards and violate the standards no more than once each year. The 1992 CCAA Amendments divide ozone nonattainment areas into four categories of pollutant levels (moderate, serious, severe, and extreme) to which progressively more stringent requirements apply. CARB also regulates toxic air contaminants (TAC) (pollutants that result in harmful health effects, but are not specifically addressed by air quality standards) using air toxic control measures.

California Air Resources Board Programs, Regulations, and Standards

- **California Diesel Fuel Regulations** (Cal. Code Regs., tit. 13, §§ 2281-2285; Cal. Code Regs., tit. 17, § 93114). In 2004, the CARB set limits on the sulfur content of diesel fuel sold in California for use in on-road and off-road motor vehicles. Harbor craft and intrastate locomotives were later included by a 2004 rule amendment (CARB 2005a). Under this rule, diesel fuel used in motor vehicles except harbor craft and intrastate locomotives has been limited to 500 ppm sulfur since 1993. The sulfur limit was reduced to 15 ppm beginning on September 1, 2006. Diesel fuel used in harbor craft in the SCAB also was limited to 500 ppm sulfur starting January 1, 2006, and was lowered to 15 ppm sulfur on September 1, 2006. Diesel fuel used in intrastate locomotives (switch locomotives) was limited to 15 ppm sulfur starting on January 1, 2007.
- **California Diesel Risk Reduction Plan.** CARB has adopted several regulations that are meant to reduce the health risk associated with on- and off-road and stationary diesel engine operation. This plan recommends many control measures with the goal of an 85 percent reduction in diesel particulate matter emissions by 2020. The regulations noted below, which may also serve to significantly reduce other pollutant emissions, are all part of this risk reduction plan.
- **Commercial Harbor Craft Regulation** requires upgrades to Tier 2 or Tier 3 standards to reduce diesel particulate matter and NOx emissions from diesel engines used on commercial harbor craft (e.g., tugboats, crew and supply vessels, work boats, barges, dredges) operated in California Regulated Waters (internal waters, estuarine waters, ports and coastal waters within 24 nautical miles of the coast)
- **Emission Standards for On-Road and Off-Road Diesel Engines.** Similar to the EPA for on-road and off-road emissions described above, the CARB has established emission standards for new on-road and off-road diesel engines. These regulations have model year based emissions standards for NOx, hydrocarbons, CO, and PM.
- **Heavy Duty Diesel Truck Idling Rule – Heavy Duty Diesel Truck Idling Regulation.** This CARB rule became effective February 1, 2005, and prohibits heavy-duty diesel trucks from idling for longer than 5 minutes at a time, unless they are queuing and provided the queue is located beyond 100 feet from any homes or schools (CARB 2006).
- **In-Use Off-Road Vehicle Regulation** (Cal. Code Regs., tit. 13, § 2449). The State has also enacted a regulation to reduce diesel particulate matter and criteria pollutant emissions from in-use off-road diesel-fueled vehicles. This regulation provides target emission rates for PM and NOx emissions from owners of fleets of diesel-fueled off-road vehicles, and applies to off-road equipment fleets of three specific sizes, as follows:

Air Quality (State)

- Small Fleet – Fleet or municipality with equipment totaling less than or equal to 2,500 hp, or municipal fleet in lower population area, captive attainment fleet, or non-profit training center regardless of horsepower.
- Medium Fleet – Fleet with equipment totaling 2,501 to 5,000 hp.
- Large Fleet – Fleet with equipment totaling more than 5,000 hp, or all State and federal government fleets regardless of total hp.

The target emission rates for these fleets are reduced over time. Specific regulation requirements:

- Limit on idling, requiring a written idling policy, and disclosure when selling vehicles;
- Require all vehicles to be reported to CARB (using the Diesel Off-Road Online Reporting System, DOORS) and labeled;
- Restrict the adding of older vehicles into fleets starting on January 1, 2014; and
- Require fleets to reduce their emissions by retiring, replacing, or repowering older engines, or installing Verified Diesel Emission Control Strategies (i.e., exhaust retrofits). (CARB 2014)

- **Ocean-Going Vessels Fuel Standards.** After January 1, 2014, ocean-going vessels within California Regulated Waters must use fuel with a maximum fuel sulfur content of 0.1 percent (using cleaner marine distillate fuels in larger ocean-going vessels reduces diesel particulate matter, NOx, and SOx emissions)
- **Off-Road Mobile Sources Emission Reduction Program.** The CCAA mandates that CARB achieve the maximum degree of emission reductions from all off-road mobile sources (e.g., construction equipment, marine vessels, and harbor craft) to attain state ambient air quality standards. Tier 2, Tier 3, and Tier 4 exhaust emissions standards apply to off-road equipment. In addition, CARB fleet requirements specify how equipment that is already in use can be retrofitted to achieve lower emissions using the CARB-verified retrofit technologies. U.S. Environmental Protection Agency (USEPA) standards for marine compression-ignition engines address NOx and diesel particulate matter emissions, depending on engine size and year of manufacture. Tier 2 standards for marine engines were phased in for model years 2004 to 2007, and Tier 3 standards were phased in for currently available technologies to reduce NOx and PM, starting in 2009.
- **Statewide Portable Equipment Registration Program (PERP)**. The PERP establishes a uniform program to regulate portable engines and portable engine-driven equipment units (CARB 2005b). Once registered in the PERP, engines and equipment units may operate throughout California without the need to obtain individual permits from local air districts, if the equipment is located at a single location for no more than 12 months.
- **Advanced Clean Truck Regulation**: CARB adopted the Advanced Clean Truck Regulation in June 2020 to accelerate a large-scale transition of zero-emission medium-and-heavy-duty vehicles. The regulation requires the sale of zero-emission medium-and-heavy-duty vehicles as an increasing percentage of total annual California sales from 2024 to 2035. By 2035, zero-emission truck/chassis sales would need to be 55% of Class 2b – 3 truck sales, 75% of Class 4 – 8 straight truck sales, and 40% of truck tractor sales. By 2045, every new medium-and-heavy-duty truck sold in California will be zero-emission. Large employers including retailers, manufacturers, brokers, and others are required to report information about shipments and shuttle services to better ensure that fleets purchase available zero-emission trucks.

Air Quality (State)

Health and Safety Code

- **Sections 25531-25543** set forth changes in four areas: (1) provides guidelines to identify a more realistic health risk; (2) requires high-risk facilities to submit an air toxic emission reduction plan; (3) holds air pollution control districts accountable for ensuring that plans achieve objectives; and (4) requires high-risk facilities to achieve their planned emission reductions
- **The Air Toxics Hot Spots Information and Assessment Act (§ 44300 et seq.)** provides for the regulation of over 200 toxic air contaminants. Under the act, local air districts may request that a facility account for its toxic air contaminant emissions. Local air districts then prioritize facilities based on emissions; high priority designated facilities must submit a health risk assessment.

Coastal Act Chapter 3 policies (see *Multiple Environmental Issues*)

Section 30253, subdivision (c) requires that new development shall be consistent with requirements imposed by an air pollution control district or CARB as to each development.

BIOLOGICAL RESOURCES

Biological Resources (Federal)

Federal Endangered Species Act (FESA) (7 U.S.C. § 136, 16 U.S.C. § 1531 et seq.)

The FESA, which is administered in California by the USFWS and National Marine Fisheries Service (NMFS), provides protection to species listed as threatened or endangered, or proposed for listing as threatened or endangered. When applicants propose projects with a federal nexus that "may affect" a federally listed or proposed species, the federal agency must (1) consult with the USFWS or NMFS, as appropriate, under Section 7, and (2) ensure that any actions authorized, funded, or carried out by the agency are not likely to jeopardize the continued existence of any endangered or threatened species or result in the destruction or adverse modification of areas determined to be critical habitat. Section 9 prohibits the "take" of any member of a listed species.

- **Take –** To harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct
- **Harass –** An intentional or negligent act or omission that creates the likelihood of injury to a listed species by annoying it to such an extent as to significantly disrupt normal behavior patterns that include, but are not limited to, breeding, feeding, or sheltering
- **Harm –** Significant habitat modification or degradation that results in death or injury to listed species by significantly impairing behavioral patterns such as breeding, feeding, or sheltering

Fish and Wildlife Coordination Act of 1958

This Act requires that whenever a body of water is proposed to be controlled or modified, the lead agency must consult with the state and federal agencies responsible for fish and wildlife management (e.g., USFWS, CDFW, and National Oceanic and Atmospheric Administration). The Act allows for recommendations addressing adverse impacts associated with a proposed project, and for mitigating or compensating for impacts on fish and wildlife.

Biological Resources (Federal)
Magnuson-Stevens Fishery Conservation and Management Act (MSA) (16 U.S.C. § 1801 et seq.) The MSA governs marine fisheries management in Federal waters. The MSA was first enacted in 1976 and amended by the Sustainable Fisheries Act of 1996 and the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act in 2007. Amendments require the identification of Essential Fish Habitat (EFH) for federally managed species and the implementation of measures to conserve and enhance this habitat. Any project requiring Federal authorization, such as a U.S. Army Corps of Engineers permit, is required to complete and submit an EFH Assessment with the application and either show that no significant impacts to the essential habitat of managed species are expected or identify mitigations to reduce those impacts. Under the MSA, Congress defined EFH as "those waters and substrate necessary to fish for spawning, breeding, feeding, or growth to maturity" (16 U.S.C. § 1802(10)). The EFH provisions of the MSA offer resource managers a means to heighten consideration of fish habitat in resource management. Federal agencies shall consult with the NMFS regarding any action they authorize, fund, or undertake that might adversely affect EFH (§ 305(b)(2)).
Marine Mammal Protection Act (MMPA) (16 U.S.C. § 1361 et seq.) The MMPA is designed to protect and conserve marine mammals and their habitats. It prohibits takes of all marine mammals in the U.S. (including territorial seas) with few exceptions. The Act defines "take" as hunt, capture, or kill, or attempt to harass, hunt, capture, or kill any marine mammal." "Harassment" is defined as any act of pursuit, torment, or annoyance that has the potential to injure a marine mammal or marine mammal stock in the wild; or has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering. The NMFS may issue a take permit under Section 104 if the activities are consistent with the purposes of the MMPA and applicable regulations at 50 CFR, Part 216. The NMFS must also find that the manner of taking is "humane" as defined in the MMPA. If lethal taking of a marine mammal is requested, the applicant must demonstrate that using a non-lethal method is not feasible. In 1994 a simplified process for obtaining "small take" exemptions was added for unintentional taking by incidental harassment only. Under this process, incidental take of small numbers of marine mammals by harassment can be authorized for periods of up to 1 year.
Migratory Bird Treaty Act (MBTA) (16 U.S.C. § 703-712) The MBTA prohibits the take, possession, import, export, transport, selling, purchase, barter, or offering for sale, purchase, or barter, of any migratory bird, their eggs, parts, and nests, except as authorized under a valid permit (50 CFR 21.11). The USFWS issues permits for take of migratory birds for activities such as scientific research, education, and depredation control, but does not issue permits for incidental take of migratory birds.
National Invasive Species Act (NISA) (33 CFR, Part 151, Subpart D) NISA was originally passed in 1990 as the Nonindigenous Aquatic Nuisance Prevention and Control Act [16 U.S.C. § 4701-4751] and reauthorized, renamed and expanded in 1996. Under its provisions, the U.S. Coast Guard requires ballast water management (i.e., exchange) for vessels entering U.S. waters from outside the 200-nautical-mile U.S. Exclusive Economic Zone. The original Act was established to: (1) prevent unintentional introduction and dispersal of nonindigenous species into Waters of the U.S. through ballast water management and other requirements; (2) coordinate and disseminate information on federally conducted, funded, or authorized research, on the prevention and control of the zebra mussel and other aquatic nuisance species; (3) develop and carry out control methods to prevent, monitor, and control unintentional introductions of nonindigenous species from pathways other than ballast water exchange; (4) understand and minimize economic and ecological impacts of established nonindigenous aquatic nuisance species; and (5) establish a program of research and technology development and assistance to states in the management and removal of zebra mussels.

Biological Resources (Federal)

Executive Orders (EO)

- **EO 11990** requires federal agencies to provide leadership and take action to minimize the destruction, loss or degradation of wetlands, and to preserve and enhance the natural and beneficial values of wetlands. Each agency, to the extent permitted by law, must (1) avoid undertaking or providing assistance for new construction located in wetlands unless the head of the agency finds there is no practical alternative to such construction or the proposed action includes all practical measures to minimize harm to wetlands that may result from such use; (2) take into account economic, environmental and other pertinent factors in making this finding; and (3) provide opportunity for early public review of any plans or proposals for new construction in wetlands.
- **EO 13112** requires federal agencies to use authorities to prevent introduction of invasive species, respond to and control invasions, and provide for restoration of native species and habitat conditions in invaded ecosystems; also established the Invasive Species Council, which prepares a National Invasive Species Management Plan that details and recommends performance-oriented goals and objectives and measures of success for federal agencies
- **EO 13158** requires federal agencies to (1) identify actions that affect natural or cultural resources that are within an MPA; and (2) in taking such actions, to avoid harm to the natural and cultural resources that are protected by a MPA.
- **EO 13186** sets forth responsibilities of federal agencies to protect migratory birds.

Other

- **Bald and Golden Eagle Protection Act** makes it illegal to import, export, take, sell, purchase or barter any bald eagle or golden eagle or parts thereof.
- **Clean Water Act and Rivers and Harbors Act** (*see Hydrology and Water Quality section*)
- **Coastal Zone Management Act** (see Multiple Environmental Issues)
- **Estuary Protection Act (16 U.S.C. § 1221-1226)** authorizes federal agencies to assess the impacts of commercial and industrial developments on estuaries.

Biological Resources (State)

California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.)

The CESA provides for the protection of rare, threatened, and endangered plants and animals, as recognized by the CDFW, and prohibits the taking of such species without its authorization. Furthermore, the CESA provides protection for those species that are designated as candidates for threatened or endangered listings. Under the CESA, the CDFW has the responsibility for maintaining a list of threatened species and endangered species (Fish & G. Code, § 2070). The CDFW also maintains a list of candidate species, which are species that the CDFW has formally noticed as under review for addition to the threatened or endangered species lists. The CDFW also maintains lists of Species of Special Concern that serve as watch lists. Pursuant to CESA requirements, an agency reviewing a proposed project within its jurisdiction must determine whether any State-listed endangered or threatened species may be present in the project site and determine whether the proposed project will have a significant impact on such species. The CDFW encourages informal consultation on any proposed project that may affect a candidate species. The CESA also requires a permit to take a State-listed species through incidental or otherwise lawful activities (§ 2081, subd. (b))

Lake and Streambed Alteration Program (Fish & G. Code, §§ 1600-1616)

These regulations require that the CDFW: be notified of activities that would interfere with the natural flow of, or substantially alter, the channel, bed, or bank of a lake, river, or stream; determines if the activity may substantially adversely affect an existing fish and wildlife resource; and issue a Streambed Alteration Agreement if applicable.

Biological Resources (State)

Marine Life Protection Act (MLPA) (Fish & G. Code, §§ 2850–2863)

Pursuant to this Act, the CDFW established and manages a network of MPAs to, among other goals, protect marine life and habitats and preserve ecosystem integrity. For the purposes of MPA planning, California was divided into five distinct regions (four coastal and San Francisco Bay) each of which had its own MPA planning process. The coastal portion of California's MPA network is now in effect statewide; options for a planning process in San Francisco Bay have been developed for consideration at a future date. The MLPA establishes clear policy guidance and a scientifically sound planning process for the siting and design of MPAs such as:

- State Marine Reserves (SMRs), which typically preclude all extractive activities (such as fishing or kelp harvesting)
- State Marine Parks (SMPs), which do not allow any commercial extraction
- State Marine Conservation Areas (SMCAs), which preclude some combination of commercial and/or recreational extraction

Other relevant California Fish and Game Code sections and Programs/Plans

- **Section 1900 et seq.** (California Native Plant Protection Act) is intended to preserve, protect, and enhance endangered or rare native plants in California. Under section 1901, a species is endangered when its prospects for survival and reproduction are in immediate jeopardy from one or more causes. A species is rare when, although not threatened with immediate extinction, it is in such small numbers throughout its range that it may become endangered. The Act includes provisions that prohibit taking of listed rare or endangered plants from the wild and a salvage requirement for landowners.
- **Sections 3503 & 3503.5** prohibit take and possession of native birds' nests and eggs from all forms of needless take and provide that it is unlawful to take, possess, or destroy any birds in the orders Falconiformes or Strigiformes (birds-of-prey) or to take, possess, or destroy the nests or eggs of any such bird except as otherwise provided by this Code or any regulation adopted pursuant thereto.
- **Sections 3511** (birds), **4700** (mammals), **5050** (reptiles and amphibians), & **5515** (fish) designate certain species as "fully protected;" such species, or parts thereof, may not be taken or possessed at any time without permission by the CDFW.
- **Section 3513** does not include statutory or regulatory mechanism for obtaining an incidental take permit for the loss of non-game, migratory birds.
- **California Aquatic Invasive Species Management Plan** provides a framework for agency coordination and identifies actions to minimize harmful effects of aquatic invasive species.

Marine Invasive Species Act (MISA) (Pub. Resources Code, § 71200 et seq.) (AB 433; Stats. 2003, ch. 491)

Originally passed in 2003 and amended several times, the purpose of MISA is to move towards eliminating the discharge of nonindigenous species into waters of the state or waters that may impact waters of the state, based on the best available technology economically achievable. MISA requires mid-ocean exchange or retention of all ballast water and associated sediments for all vessels 300 gross registered tons or more, U.S. and foreign, carrying ballast water into the waters of the state after operating outside state waters. For all vessels 300 gross register tons or more arriving at a California port or place carrying ballast water from another port or place within the Pacific Coast Region, the Act mandates near-coast exchange or retention of all ballast water. MISA also requires completion and submission of Ballast Water Reporting Form 24 hours in advance of each port of call in California, annual submittal of the Hull Husbandry Reporting Form, the keeping of a ballast management plan and logs, and the application of "Good Housekeeping" Practices designed to minimize the transfer and introduction of invasive species. Compliance with MISA is the responsibility of vessel owners/operators. The California State Lands Commission has regulatory authority to manage and enforce MISA.

Biological Resources (State)

Coastal Act Chapter 3 policies *(see Multiple Environmental Issues)*

- **Section 30230 –** Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.
- **Section 30231 –** The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.
- **Section 30232 –** Protection against the spillage of crude oil, gas, petroleum products, or hazardous substances shall be provided in relation to any development or transportation of such materials. Effective containment and cleanup facilities and procedures shall be provided for accidental spills that do occur.
- **Section 30233 –** applies in part to development activities within or affecting wetlands and other sensitive areas, identifies eight allowable uses, requires projects be the least environmentally damaging feasible alternative, and where applicable, requires feasible and appropriate mitigation.
- **Section 30240 –** (a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas. (b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

Other

- California Department of Food and Agriculture's California Noxious and Invasive Weed Action Plan seeks to prevent and control noxious and invasive weeds.
- **Wetlands Conservation Policy** – no net loss of wetland acreage; long-term gain in the quantity, quality, and permanence of California's wetlands.

COMMERCIAL AND RECREATIONAL FISHING

Commercial and Recreational Fishing (State)

Coastal Act Chapter 3

Coastal Act Chapter 3 policies applicable to this issue area are:

- Section 30234 states: Facilities serving the commercial fishing and recreational boating industries shall be protected and, where feasible, upgraded. Existing commercial fishing and recreational boating harbor space shall not be reduced unless the demand for those facilities no longer exists or adequate substitute space has been provided. Proposed recreational boating facilities shall, where feasible, be designed and located in such a fashion as not to interfere with the needs of the commercial fishing industry.
- Section 30234.5 states: The economic, commercial, and recreational importance of fishing activities shall be recognized and protected.

Commercial and Recreational Fishing (State)
Fish and Game Code Section 9002, et seq., prohibits unlawful handling of legally set trap gear.
Other • California Commercial Fishing Laws and Licensing Requirements. Commercial fishing is regulated by a series of laws passed by the Fish and Game Commission and issued each year in a summary document. Seasonal and gear restrictions within the various CDFW Districts, licensing instructions and restrictions, and species-specific fishing requirements are provided in the document. Most of the MPAs have commercial fishing restrictions (based on the designation of each area), which are also listed in the summary document. • California Ocean Sport Fishing Regulations. Each year, the Fish and Game Commission issues regulations on the recreational fishing within the marine waters of the State, specifying the fishing season for species, size and bag limits, and gear restrictions, licensing requirements; a section on fishing restrictions within MPAs is also now included.

CULTURAL AND PALEONTOLOGICAL RESOURCES

Cultural and Paleontological Resources (Federal)
Abandoned Shipwreck Act of 1987 (43 U.S.C. § 2101–2106) and National Park Service (NPS) Abandoned Shipwreck Act Guidelines. Asserts U.S. Government title to three categories of abandoned shipwrecks: those embedded in a state's submerged lands; those embedded in coralline formations protected by a state on its submerged lands, and those located on a state's lands that are included or determined eligible for inclusion in the National Register of Historic Places. The law then transfers title for a majority of those shipwrecks to the respective states, and provides that states develop policies for management of the wrecks so as to protect natural resources, permit reasonable public access, and allow for recovery of shipwrecks consistent with the protection of historical values and environmental integrity of wrecks and sites. The NPS has issued guidelines that are intended to: maximize the enhancement of shipwreck resources; foster a partnership among sport divers, fishermen, archeologists, sailors, and other interests to manage shipwreck resources of the states and the U.S.; facilitate access and utilization by recreational interests; and recognize the interests of individuals and groups engaged in shipwreck discovery and salvage.
Archaeological and Historic Preservation Act (AHPA) The AHPA provides for the preservation of historical and archaeological data that might be irreparably lost or destroyed as a result of (1) flooding, the building of access roads, the erection of workmen’s communities, the relocation of railroads and highways, and other alterations of terrain caused by the construction of a dam by an agency of the U.S. or by any private person or corporation holding a license issued by any such agency; or (2) any alteration of the terrain caused as a result of a federal construction project or federally licensed project, activity, or program. This Act requires federal agencies to notify the Secretary of the Interior when they find that any federally permitted activity or program may cause irreparable loss or destruction of significant scientific, prehistoric, historical, or archaeological data. The AHPA built upon national policy, set out in the Historic Sites Act of 1935, “...to provide for the preservation of historic American sites, buildings, objects, and antiquities of national significance....”

Cultural and Paleontological Resources (Federal)
Archaeological Resources Protection Act of 1979 (ARPA) (P.L. 96-95; 93 Stat. 712) The ARPA states that archaeological resources on public or Indian lands are an accessible and irreplaceable part of the nation's heritage and: • Establishes protection for archaeological resources to prevent loss and destruction due to uncontrolled excavations and pillaging; • Encourages increased cooperation and exchange of information between government authorities, the professional archaeological community, and private individuals having collections of archaeological resources prior to the enactment of this Act; • Establishes permit procedures to permit excavation or removal of archaeological resources (and associated activities) located on public or Indian land; and • Defines excavation, removal, damage, or other alteration or defacing of archaeological resources as a "prohibited act" and provides for criminal and monetary rewards to be paid to individuals furnishing information leading to the finding of a civil violation or conviction of a criminal violator. An anti-trafficking provision prohibits interstate or international sale, purchase, or transport of any archaeological resource excavated or removed in violation of a state or local law, ordinance, or regulation. ARPA's enforcement provision provides for criminal and civil penalties against violators of the Act. The ARPA's permitting component allows for recovery of certain artifacts consistent with NPS Federal Archeology Program standards and requirements.
National Historic Preservation Act of 1966 (NHPA) (16 U.S.C. § 470 et seq.) and implementing regulations (Protection of Historic Properties; 36 CFR 800) (applies only to federal undertakings) Archaeological resources are protected through the NHPA and its implementing regulation (Protection of Historic Properties; 36 CFR 800), the AHPA, and the ARPA. This Act presents a general policy of supporting and encouraging the preservation of prehistoric and historic resources for present and future generations by directing federal agencies to assume responsibility for considering the historic resources in their activities. The State implements the NHPA through its statewide comprehensive cultural resource surveys and preservation programs coordinated by the California Office of Historic Preservation (OHP) in the State Department of Parks and Recreation, which also advises federal agencies regarding potential effects on historic properties. The OHP also maintains the California Historic Resources Inventory. The State Historic Preservation Officer (SHPO) is an appointed official who implements historic preservation programs within the State's jurisdictions, including commenting on Federal undertakings. Under the NHPA, historic properties include "any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the National Register of Historic Places" (16 U.S.C. § 470w [5]).
Paleontological Resources Preservation Act (16 U.S.C. § 470) Enacted to preserve paleontological resources for current and future generations on federal lands under the jurisdiction of the National Park Service, Bureau of Land Management, Bureau of Reclamation, and USFWS, this Act identifies management requirements, collection requirements, curation requirements, authorizes criminal and civil penalties, rewards and forfeiture.
Executive Order (EO) 13158 EO 13158 requires federal agencies to (1) identify actions that affect natural or cultural resources that are within an MPA; and (2) in taking such actions, to avoid harm to the natural and cultural resources that are protected by a MPA.

Cultural and Paleontological Resources (State)

California Register of Historical Resources (CRHR)

The CRHR is "an authoritative listing and guide to be used by state and local agencies, private groups, and citizens in identifying the existing historical resources of the State and to indicate which resources deserve to be protected, to the extent prudent and feasible, from substantial adverse change" (Pub. Resources Code, § 5024.1, subd. (a)). CRHR eligibility criteria are modeled after National Register of Historic Places (NRHP) criteria but focus on resources of statewide significance. Certain resources are determined by the statute to be automatically included in the CRHR, including California properties formally determined to be eligible for, or listed in, the NRHP. To be eligible for the CRHR, a prehistoric or historical period property must be significant at the local, state, or federal level under one or more of the following criteria (State CEQA Guidelines, § 15064.5, subd. (a)(3)):

- Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage
- Is associated with the lives of persons important in California's past
- Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values
- Has yielded, or may be likely to yield, information important in prehistory or history

A resource eligible for the CRHR must meet one of the criteria of significance above, and retain enough of its historic character or appearance (integrity) to be recognizable as an historical resource and to convey the reason for its significance. An historic resource that may not retain sufficient integrity to meet the criteria for listing in the NRHP, may still be eligible for listing in the CRHR. Properties listed, or formally designated as eligible for listing, on the National Register are automatically listed on the CRHR, as are certain State Landmarks and Points of Interest. A lead agency is not precluded from determining that the resource may be an historical resource as defined in Public Resources Code sections 5020.1, subdivision (j), or 5024.1 (State CEQA Guidelines, § 15064.5, subd. (a)(4)).

CEQA (Pub. Resources Code, § 21000 et seq.)

CEQA section 21084.1 provides that a project that may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment. An "historical resource" includes: (1) a resource listed in, or eligible for listing in, the California Register of Historic Resources; (2) a resource included in a local register of historical or identified as significant in an historical resource surveys; and (3) any resource that a lead agency determines to be historically significant for the purposes of CEQA, when supported by substantial evidence in light of the whole record. Historical resources may include archaeological resources. Mitigation measures for significant impacts to historical resources must be identified and implemented if feasible.

Two categories of cultural resources are specifically called out in the State CEQA Guidelines. The categories are historical resources (State CEQA Guidelines 15064.5[b]) and unique archaeological sites (State CEQA Guidelines 15064.5[c]; California Public Resources Code [PRC] 21083.2). Different legal rules apply to the two different categories of cultural resources. However, the two categories sometimes overlap where "an archaeological historical resource also qualifies as a "unique archaeological resource." In such an instance, the more stringent rules for unique archaeological resources apply, as explained below. In most situations, resources that meet the definition of a unique archaeological resource also meet the definition of a historical resource. As a result, it is current professional practice to evaluate cultural resources for significance based on their eligibility for listing in the CRHR.

Cultural and Paleontological Resources (State)

Historical resources are those meeting the following requirements.

Resources listed in or determined eligible for listing in the CRHR (State CEQA Guidelines 15064.5[a][1]).

Resources included in a local register as defined in PRC Section 5020.1(k), "unless the preponderance of evidence demonstrates" that the resource "is not historically or culturally significant" (State CEQA Guidelines 15064.5[a][2]).

Resources that are identified as significant in surveys that meet the standards provided in PRC Section 5024.1[g] (State CEQA Guidelines 15064.5[a][3]).

Resources that the lead agency determines are significant, based on substantial evidence (State CEQA Guidelines 15064.5[a][3]).Unique archaeological resources, on the other hand, are defined in PRC Section 21083.2 as a resource that meets at least one of the following criteria.

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

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

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

The process for identifying historical resources is typically accomplished by applying the criteria for listing in the CRHR (14 CCR 4852). This section states that a historical resource must be significant at the local, state, or national level under one or more of the following four criteria.

1) It is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage.
2) It is associated with the lives of persons important in our past.
3) It embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of a master or possesses high artistic values.
4) It has yielded, or may be likely to yield, information important in prehistory or history.

To be considered a historical resource for the purpose of CEQA, the resource must also have integrity. Integrity is the authenticity of a resource's physical identity, evidenced by the survival of characteristics that existed during the resource's period of significance.

Resources, therefore, must retain enough of their historic character or appearance to be recognizable as historical resources and to convey the reasons for their significance. Integrity is evaluated with regard to the retention of location, design, setting, materials, workmanship, feeling and association. It must also be judged with reference to the particular criteria under which a resource is eligible for listing in the CRHR (14 CCR 4852[c]). Integrity assessments made for CEQA purposes typically follow the National Park Service guidance used for integrity assessments for NRHP purposes.

Even if a resource is not listed or eligible for listing in the CRHR, in a local register of historical resources, or identified in an historical resource survey, a lead agency may still determine that the resource is an historical resource as defined in PRC Section 5020.1j or 5024.1 (State CEQA Guidelines 15064.5[a][4]).

Cultural and Paleontological Resources (State)
Resources that meet the significance criteria and integrity considerations must be considered in the impacts analysis under CEQA. Notably, a project that causes a substantial adverse change in the significance of an historical resource is a project that may have significant impact under CEQA (State CEQA Guidelines 15064.5[b]). A substantial adverse change in the significance of an historical resource 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. The significance of an historical resource is materially impaired if the project demolishes or materially alters any qualities as follows. Qualities that justify the inclusion or eligibility for inclusion of a resource on the CRHR (State CEQA Guidelines 15064.5[b][2][A],[C]). Qualities that justify the inclusion of the resource on a local register (State CEQA Guidelines 15064.5[b][2][B]).
Coastal Act Chapter 3 policies (see *Multiple Environmental Issues*) Section 30244 states: Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.
Other • **Public Resources Code section 5097.5** prohibits excavation or removal of any "vertebrate paleontological site or historical feature, situated on public lands, except with the express permission of the public agency having jurisdiction over such lands" • **Penal Code section 623** provides for the protection of caves, including their natural, cultural, and paleontological contents. It specifies that no "material" (including all or any part of any paleontological item) will be removed from any natural geologically formed cavity or cave

CULTURAL RESOURCES – TRIBAL

Tribal Cultural Resources (Federal)
Native American Graves Protection and Repatriation Act of 1990 (P.L. 101-601; 104 Stat. 3049) • Assigns ownership or control of Native American human remains, funerary objects, sacred objects, and objects of cultural patrimony that are excavated or discovered on federal lands or tribal lands after passage of the act to lineal descendants or affiliated Indian tribes or Native Hawaiian organizations; establishes criminal penalties for trafficking in human remains or cultural objects; requires federal agencies and museums that receive federal funding to inventory Native American human remains and associated funerary objects in their possession or control and identify their cultural and geographical affiliations within 5 years, and prepare summaries of information about Native American unassociated funerary objects, sacred objects, or objects of cultural patrimony. This is to provide for repatriation of such items when lineal descendants, Indian tribes, or Native Hawaiian organizations request it.
Executive Order (EO) 13007, Indian Sacred Sites EO 13007 requires federal agencies with administrative or legal responsibility to manage federal lands to accommodate access to and ceremonial use of Indian sacred sites by Indian religious practitioners and avoid adversely affecting the physical integrity of such sites (to the extent practicable permitted by law and not clearly inconsistent with essential agency functions)

Tribal Cultural Resources (State)
CEQA (Pub. Resources Code, § 21073, 21074, 21080.3.1, 21080.3.2, 21082.3, 21083.09, 21084.2, and 21084.3) [AB 52 (Gatto, Stats. 2014, Ch. 532)] The AB 52 (effective July 1, 2015) amendments to CEQA relate to consultation with California Native American tribes, consideration of tribal cultural resources, and confidentiality. The definition of tribal cultural resources considers tribal cultural values in addition to scientific and archaeological values when determining impacts and mitigation. AB 52 provides procedural and substantive requirements for lead agency consultation with California Native American tribes and consideration of effects on tribal cultural resources, as well as examples of mitigation measures to avoid or minimize impacts to tribal cultural resources. AB 52 establishes that if a project may cause a substantial adverse change in the significance of a tribal cultural resource, that project may have a significant effect on the environment. Lead agencies must avoid damaging effects to tribal cultural resources, when feasible, and shall keep information submitted by tribes confidential.
Health and Safety Code section 7050.5 This section provides for treatment of human remains exposed during construction; no further disturbance may occur until the County Coroner makes findings as to origin and disposition pursuant to Public Resources Code section 5097.98. The Coroner has 24 hours to notify the Native American Heritage Commission (NAHC) if the remains are determined to be of Native American descent. The NAHC contacts most likely descendants about how to proceed.
Public Resources Code section 5097.98 This section provides (1) a protocol for notifying the most likely descendent from the deceased if human remains are determined to be Native American in origin and (2) mandated measures for appropriate treatment and disposition of exhumed remains.
Executive Order B-10-11 EO B-10-11 establishes as state policy that all agencies and departments shall encourage communication and consultation with California Indian Tribes and allow tribal governments to provide meaningful input into proposed decisions and policies that may affect tribal communities.
Assembly Bill 52 AB 52 (Chapter 532, Statutes of 2014) establishes a formal consultation process for California Native American tribes as part of CEQA and equates significant impacts on tribal cultural resources with significant environmental impacts (PRC 21084.2). PRC Section 21074 defines tribal cultural resources as follows: Sites, features, places, sacred places, and objects with cultural value to descendant communities or cultural landscapes defined in size and scope that are either: Included in or eligible for listing in the CRHR Included in a local register of historical resources 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 PRC Section 5024.1. Sacred places can include Native American sanctified cemeteries, places of worship, religious or ceremonial sites, and sacred shrines. In addition, both unique and non-unique archaeological resources, as defined in PRC Section 21083.2, can be tribal cultural resources if they meet the criteria detailed above. The lead agency relies upon substantial evidence to make the determination that a resource qualifies as a tribal cultural resource when it is not already listed in the CRHR or a local register.

Tribal Cultural Resources (State)

AB 52 defines a *California Native American Tribe* (Tribe) as a Native American tribe located in California that is on the contact list maintained by the Native American Heritage Commission (PRC 21073). Under AB 52, formal consultation with Tribes is required prior to determining the level of environmental document if a Tribe has requested to be informed by the lead agency of proposed projects and if the Tribe, upon receiving notice of the project, accepts the opportunity to consult within 30 days of receipt of the notice. AB 52 also requires that consultation, if initiated, address project alternatives and mitigation measures for significant effects, if specifically requested by the Tribe. AB 52 states that consultation is considered concluded when either the parties agree to measures to mitigate or avoid a significant effect to tribal cultural resources, or when either the Tribe or the agency concludes that mutual agreement cannot be reached after making a reasonable, good-faith effort. Under AB 52, any mitigation measures recommended by the agency or agreed upon with the Tribe may be included in the final environmental document and in the adopted mitigation monitoring program if they were determined to avoid or lessen a significant impact on a tribal cultural resource. If the recommended measures are not included in the final environmental document, then the lead agency must consider the four mitigation methods described in PRC Section 21084.3 (PRC 21082.3[e]). Any information submitted by a Tribe during the consultation process is considered confidential and is not subject to public review or disclosure. It will be published in a confidential appendix to the environmental document unless the Tribe consents to disclosure of all or some of the information to the public.

ENERGY

Energy (State)

Protection of Underground Infrastructure (California Government Code § 4216)

Protection of Underground Infrastructure code requires that an excavator must contact a regional notification center (i.e., underground service alert) at least 2 days before excavation of any subsurface installations. The underground service alert then notifies utilities that may have buried lines within 1,000 feet of the excavation. Representatives of the utilities must mark the specific location of their facilities within the work area prior to the start of excavation. The construction contractor must probe and expose the underground facilities by hand prior to using power equipment.

GEOLOGY AND SOILS

Geology and Soils (Federal/International)

Building Codes

The design and construction of engineered facilities in California must comply with the requirements of the International Building Code (IBC) and the adoptions of that code by the State of California. The International Building Code sets design standards to accommodate a maximum considered earthquake (MCE), based on a project's regional location, site characteristics, and other factors.

Geology and Soils (State)
Alquist-Priolo Earthquake Fault Zoning Act (Pub. Resources Code, §§ 2621-2630) This Act requires that "sufficiently active" and "well-defined" earthquake fault zones be delineated by the State Geologist and prohibits locating structures for human occupancy on active and potentially active surface faults. (Note that since only those potentially active faults that have a relatively high potential for ground rupture are identified as fault zones, not all potentially active faults are zoned under the Alquist-Priolo Earthquake Fault Zone, as designated by the State of California.)
California Building Code (Cal. Code Regs., tit. 23) The California Building Code provides a minimum standard for building design, which is based on the UBC, but is modified for conditions unique to California. The Code, which is selectively adopted by local jurisdictions, based on local conditions, contains requirements pertaining to multiple activities, including: excavation, site demolition, foundations and retaining walls, grading activities including drainage and erosion control, and construction of pipelines alongside existing structures. For example, sections 3301.2 and 3301.3 contain provisions requiring protection of adjacent properties during excavations and require a 10-day written notice and access agreements with adjacent property owners. California's Marine Oil Terminal Engineering and Maintenance Standards (MOTEMS), which are implemented by the California State Lands Commission, are codified in Chapter 31F—Marine Oil Terminals (Cal. Code Regs., tit. 24, § 3101F et seq.).
Seismic Hazards Mapping Act & Mapping Regs (Pub. Resources Code, § 2690; Cal. Code Regs., tit. 14, div. 2, ch. 8, art. 10). These regulations were promulgated to promote public safety by protecting against the effects of strong ground shaking, liquefaction, landslides, other ground failures, or other hazards caused by earthquakes. The Act requires that site-specific geotechnical investigations be conducted identifying the hazard and formulating mitigation measures prior to permitting most developments designed for human occupancy. California Division of Mines and Geology Special Publication 117, *Guidelines for Evaluating and Mitigating Seismic Hazards in California* (1997), constitutes the guidelines for evaluating seismic hazards other than surface fault-rupture, and for recommending mitigation measures as required by Public Resources Code section 2695, subdivision (a). The Act does not apply offshore as the California Geological Survey has not zoned offshore California under the Act.
Coastal Act Chapter 3 policies *(see Multiple Environmental Issues)* With respect to geological resources, Section 30253 requires, in part, that: New development shall: (a) Minimize risks to life and property in areas of high geologic, flood, and fire hazard; and (b) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs. Section 30243 also states in part that the long-term productivity of soils and timberlands shall be protected.
Coastal Development Permit The Coastal Development Permit is the regulatory mechanism used to ensure that proposed developments in the coastal zone are in compliance with the policies of Chapter 3 of the Coastal Act. In Mendocino County, a permit application is reviewed by the Coastal Permit Administrator to determine if it can be processed administratively or if it must be processed as a Coastal Development Standard Permit. Granting of the permit requires a public hearing by the Planning Commission or Coastal Permit Administrator.

GREENHOUSE GAS EMISSIONS

Greenhouse Gas Emissions (Federal & International)
Federal Clean Air Act (FCAA) (42 U.S.C. § 7401 et seq.) In 2007, the U.S. Supreme Court ruled that carbon dioxide (CO_2) is an air pollutant as defined under the FCAA, and that the EPA has authority to regulate GHG emissions.
Mandatory Greenhouse Gas Reporting (74 Fed. Reg. 56260) On September 22, 2009, the EPA issued the Mandatory Reporting of Greenhouse Gases Rule, which requires reporting of GHG data and other relevant information from large sources (industrial facilities and power plants that emit more than 25,000 metric tons of carbon dioxide–equivalent ($MTCO_2e$) emissions per year) in the U.S. The purpose of the Rule is to collect accurate and timely GHG data to inform future policy decisions. The Rule is referred to as 40 CFR Part 98 (Part 98). Gases covered by implementation of Part 98 (GHG Reporting Program) are: CO_2, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, sulfur hexafluoride, and other fluorinated gases including nitrogen trifluoride and hydrofluorinated ethers.
Kyoto Protocol, Paris Climate Agreement, and Under2 Coalition On March 21, 1994, the Kyoto Protocol, the first international agreement to regulate GHG emissions, was signed. The Kyoto Protocol was a treaty made under the United Nations Framework Convention on Climate Change. If the commitments outlined in the Kyoto Protocol are met, global GHG emissions would be reduced by 5 percent from 1990 levels during the commitment period of 2008 to 2012. The U.S. was a signatory to the Kyoto Protocol; however, Congress has not ratified it and the U.S. is not bound by the Protocol's commitments. In April 2016, 174 states (including the United States) and the European Union signed Paris Climate Agreement. The overarching goal is to reduce pollution levels so that the rise in global temperatures is limited to no more than 2° Celsius (3.6° Fahrenheit). The Agreement includes voluntary commitments to cut or limit the growth of their GHG emissions and provide regular and transparent reporting of every country's carbon reductions. On November 4, 2019, President Donald Trump formally notified the United Nations that the United States would withdraw from the Paris Agreement. This announcement begins a one-year process for exiting the deal, which can occur no sooner than November 2020. The Under2 Coalition is an international coalition of jurisdictions that signed the Global Climate Leadership Memorandum of Understanding (Under2 MOU) following President Trump's decision to withdraw from the Paris Agreement. The Under2 MOU aims to limit global warming to 2°C, to limit GHGs to below 80 to 95% below 1990 levels, and/or achieve a per capita annual emissions goal of less than 2 metric tons by 2050. The Under2 MOU has been signed or endorsed by 135 jurisdictions (including California) that represent 32 countries and 6 continents.

Greenhouse Gas Emissions (State)
Sustainable Communities and Climate Protection Act of 2008 (SB 375, Chapter 728, Statutes of 2008) Adopted in September 2008, SB 375 provides a new planning process to coordinate community development and land use planning with regional transportation plans in an effort to reduce sprawling land use patterns and dependence on private vehicles and thereby reduce vehicle miles traveled (VMT) and GHG associated with VMT. SB 375 is one major tool being used to meet the goals in the Global Warming Solutions Act (AB 32). Under SB 375, CARB sets GHG emission reduction targets for 2020 and 2035 for the metropolitan planning organizations in the state. Each metropolitan planning organization must then prepare a sustainable communities strategy that meets the GHG emission reduction targets set by CARB. The sustainable communities strategy has been incorporated into the region's regional transportation plan.

Greenhouse Gas Emissions (State)
California Global Warming Solutions Act of 2006 (AB 32, Stats. 2006, ch. 488) Under AB 32, CARB is responsible for monitoring and reducing GHG emissions in the State and for establishing a statewide GHG emissions cap for 2020 based on 1990 emissions levels. CARB has adopted the AB 32 Climate Change Scoping Plan (Scoping Plan), initially approved in 2008 and updated in 2014, which contains the main strategies for California to implement to reduce CO_2e emissions by 169 million metric tons (MMT) from the State's projected 2020 emissions level of 596 MMT CO_2e under a business-as-usual scenario. The Scoping Plan breaks down the amount of GHG emissions reductions CARB recommends for each emissions sector of the State's GHG inventory, but does not directly discuss GHG emissions generated by construction activities.
Senate Bill 32, Stats. 2016, ch. 249) The update made by SB 32 requires a reduction in statewide GHG emissions to 40 percent below 1990 levels by 2030 to meet the target set in EO B-30-15. The 2017 Climate Change Scoping Plan provides a path to meet the SB 32 GHG emissions reduction goals and provides several GHG emissions reduction strategies to meet the 2030 interim GHG emissions reduction target including implementation of the Sustainable Freight Action Plan, Diesel Risk Reduction Plan, Renewable Portfolio Standard (50 percent by 2030), Advanced Clean Cars policy, and Low Carbon Fuel Standard
Clean Energy and Pollution Reduction Act (SB 350; Stats. 2015, ch. 547) This Act requires that the amount of electricity generated and sold to retail customers from renewable energy resources be increased to 50 percent by December 31, 2030, and that statewide energy efficiency savings in electricity and natural gas by retail customers be doubled by January 1, 2030.
Senate Bill 100 The state's existing renewables portfolio standard requires all retail sellers to procure a minimum quantity of electricity products from eligible renewable energy resources so that the total kilowatt-hours of those products sold to their retail end-use customers achieve 25 percent of retail sales by December 31, 2016 (achieved), 33 percent by December 31, 2020, 40 percent by December 31, 2024, 45 percent by December 31, 2027, and 50 percent by December 31, 2030 (as extended by SB 350). SB 100 revises and extends these renewable resource targets to 50 percent by December 31, 2026, 60 percent December 31, 2030, and 100 percent by December 31, 2045.
SB 97 (Stats. 2007, ch. 185) Pursuant to SB 97, the State Office of Planning and Research prepared and the Natural Resources Agency adopted amendments to the State CEQA Guidelines for the feasible mitigation of GHG emissions or the effects of GHG emissions. Effective as of March 2010, the revisions to the CEQA Environmental Checklist Form (Appendix G) and the Energy Conservation Appendix (Appendix F) provide a framework to address global climate change impacts in the CEQA process; State CEQA Guidelines section 15064.4 was also added to provide an approach to assessing impacts from GHGs. As discussed in State CEQA Guidelines section 15064.4, the determination of the significance of GHG emissions calls for a careful judgment by the lead agency, consistent with the provisions in section 15064. Section 15064.4 further provides that a lead agency should make a good-faith effort, to the extent possible, on scientific and factual data, to describe, calculate, or estimate the amount of GHG emissions resulting from a project. A lead agency shall have discretion to determine, in the context of a particular project, whether to:

Greenhouse Gas Emissions (State)

- Use a model or methodology to quantify GHG emissions resulting from a project, and determine which model or methodology to use. The lead agency has discretion to select the model or methodology it considers most appropriate provided it supports its decision with substantial evidence. The lead agency should explain the limitations of the particular model or methodology selected for use; and/or
- Rely on a qualitative analysis or performance based standards.
- Section 15064.4 also advises a lead agency to consider the following factors, among others, when assessing the significance of impacts from GHG emissions on the environment: the extent to which the project may increase or reduce GHG emissions as compared to the existing environmental setting; whether the project emissions exceed a threshold of significance that the lead agency determines applies to the project; and the extent to which the project complies with regulations or requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of GHG emissions

Other Legislation

- **AB 1493** (Stats. 2002, ch. 200) required CARB to develop and implement regulations (stricter emissions standards) to reduce automobile and light truck GHG emissions beginning with model year 2009
- **AB 2800** (Stats. 2016, ch. 580) requires, in part, that state agencies, until 2020, take into account current and future climate change impacts when planning, designing, building, operating, maintaining, and investing in infrastructure
- **SB 375** (Stats. 2008, ch. 728; effective 2009) required CARB to develop regional GHG emission reduction targets in regions covered by California's 18 metropolitan planning organizations (MPOs) and required the 18 MPOs to develop regional land use and transportation plans and demonstrate an ability to attain the proposed reduction targets by 2020 and 2035
- **SB 1383** (Stats. 2016, ch. 395) requires CARB to approve and begin implementing its Short-Lived Climate Pollutant Reduction Strategy by January 1, 2018, to achieve a 40 percent reduction in methane, 40 percent reduction in hydrofluorocarbon gases, and 50 percent reduction in anthropogenic black carbon by 2030, relative to 2013 levels
- **SB 1425** (Stats. 2016, ch. 596) requires the California Environmental Protection Agency to oversee the development of a registry of GHG emissions resulting from the use of water, such as pumping, treatment, heating, and conveyance (the water-energy nexus), using the best available data
- **SB 605** directed CARB, in coordination with other State agencies and local air districts, to develop a comprehensive Short-Lived Climate Pollutant (SLCP) Reduction Strategy
- **SB 1383** directed CARB to approve and implement the SLCP Reduction Strategy to achieve the reductions in SLCPs.
- **SB 743** required revisions to the CEQA Guidelines that establish new impact analysis criteria for the assessment of a project's transportation impacts. The intent behind SB 743 and revising the CEQA Guidelines is to integrate and better balance the needs of congestion management, infill development, active transportation, and GHG emissions reduction

Greenhouse Gas Emissions (State)

Executive Orders (EOs)

- **EO B-30-15** (Governor Brown, 2015) established a new interim statewide GHG emission reduction target to reduce GHG emissions to 40 percent below 1990 levels by 2030 to ensure California meets its target to reduce GHG emissions to 80 percent below 1990 levels by 2050. State agencies with jurisdiction over sources of GHG emissions to implement measures were also directed pursuant to statutory authority, to achieve GHG emissions reductions to meet the 2030 and 2050 targets.
- **EO S-21-09** (Governor Schwarzenegger, 2009) directed CARB to adopt a regulation consistent with the goal of EO S-14-08
- **EO S-14-08** (Governor Schwarzenegger, 2008) required all retail suppliers of electricity in California to serve 33 percent of their load with renewable energy by 2020.
- **EO S-13-08** (Governor Schwarzenegger, 2008) directed state agencies to take specified actions to assess and plan for impacts of global climate change, particularly sea-level rise
- **EO S-01-07** (Governor Schwarzenegger, 2007) set a low carbon fuel standard for California, and directed the carbon intensity of California's transportations fuels to be reduced by at least 10 percent by 2020
- **EO S-3-05** (Governor Schwarzenegger, 2005) directed reductions in GHG emissions to 2000 levels by 2010, 1990 levels by 2020, and 80 percent below 1990 levels by 2050
- **EO B-55-18 (**Governor Brown, 2018) establishes a new state goal to achieve carbon neutrality as soon as possible, and no later than 2045, and to achieve and maintain net negative emissions thereafter.

HAZARDS AND HAZARDOUS MATERIALS

Hazards and Hazardous Materials (Federal)

California Toxics Rule (40 CFR 131)

In 2000, the USEPA promulgated numeric water quality criteria for priority toxic pollutants and other water quality standards provisions to be applied to waters in California to protect human health and the environment. Under Clean Water Act section 303(c)(2)(B), the USEPA requires states to adopt numeric water quality criteria for priority toxic pollutants for which the USEPA has issued criteria guidance, and the presence or discharge of which could reasonably be expected to interfere with maintaining designated uses. These federal criteria are legally applicable in California for inland surface waters, enclosed bays, and estuaries.

Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) (42 U.S.C., Ch. 103)

CERCLA, commonly known as Superfund, provides broad federal authority to respond directly to releases or threatened releases of hazardous substances that may endanger public health or the environment. CERCLA establishes requirements concerning closed and abandoned hazardous waste sites, provides for liability of persons responsible for releases of hazardous waste at these sites, and establishes a trust fund to provide for cleanup when no responsible party could be identified. CERCLA was amended by the Superfund Amendments and Reauthorization Act on October 17, 1986.

Occupational Safety and Health Act of 1970

Congress created the Occupational Safety and Health Administration (OSHA) to assure safe and healthful working conditions for working men and women by setting and enforcing standards and by providing training, outreach, education and assistance. OSHA has entered into an agreement with California under which California regulations covers all private sector places of employment within the state with certain exceptions.

Hazards and Hazardous Materials (Federal)

Resource Conservation and Recovery Act (RCRA) (42 U.S.C. § 6901 et seq.)

The RCRA authorizes the USEPA to control hazardous waste from "cradle-to-grave" (generation, transportation, treatment, storage, and disposal). RCRA Hazardous and Solid Waste Amendments from 1984 include waste minimization, phasing out land disposal of hazardous waste, and corrective action for releases. The Department of Toxic Substances Control is the lead state agency for corrective action associated with RCRA facility investigations and remediation.

Toxic Substances Control Act (TSCA) (15 U.S.C. § 2601–2692)

The TSCA authorizes the USEPA to require reporting, record-keeping, testing requirements, and restrictions related to chemical substances and/or mixtures. It also addresses production, importation, use, and disposal of specific chemicals, such as polychlorinated biphenyls (PCBs), asbestos-containing materials, lead-based paint, and petroleum.

Other Relevant Laws, Regulations, and Recognized National Codes and Standards

- **33 CFR, Navigation and Navigable Waters** regulates aids to navigation, vessel operations, anchorages, bridges, security of vessels, waterfront facilities, marine pollution financial responsibility and compensation, prevention and control of releases of materials (including oil spills) from vessels, ports and waterways safety, boating safety, and deep-water ports
- **46 CFR parts 1 through 599 and Inspection and Regulation of Vessels (46 U.S.C. Subtitle II Part B)** provide that all commercial (e.g., passengers for hire, transport of cargoes, hazardous materials, and bulk solids) vessels operating offshore on specified routes (inland, near coastal, and oceans), including those under foreign registration, are subject to requirements applicable to vessel construction, condition, and operation. These regulations also allow for inspections to verify that vessels comply with applicable international conventions and U.S. laws and regulations.
- **Act of 1980 to Prevent Pollution from Ships** requires ships in U.S. waters, and all U.S. ships to comply with International Convention for the Prevention of Pollution from Ships (MARPOL)
- **Clean Water Act** (see Hydrology and Water Quality section)
- **Convention on the International Regulations for Preventing Collisions at Sea** establishes "rules of the road" such as rights-of-way, safe speed, actions to avoid collision, and procedures to observe in narrow channels and restricted visibility
- Hazardous Materials Transportation Act (*see Transportation/Traffic section*)
- **Safety and Corrosion Prevention Requirements** — ASME, National Association of Corrosion Engineers (NACE), ANSI

Hazards and Hazardous Materials (State)

California Occupational Safety and Health Act of 1973 and California Code of Regulations, title 8

California employers have many different responsibilities under the Cal/OSHA Regulations. The following represents several requirements**:**

- Establish, implement and maintain an Injury and Illness Prevention Program and update it periodically to keep employees safe.
- Inspect workplace(s) to identify and correct unsafe and hazardous conditions.
- Make sure employees have and use safe tools and equipment and properly maintain this equipment.
- Provide and pay for personal protective equipment.
- Use color codes, posters, labels or signs to warn employees of potential hazards.

Hazards and Hazardous Materials (State)

Clean Coast Act of 2005 (SB 771; Stats. 2005, ch. 588)

This Act (effective January 1, 2006) includes requirements to reduce pollution of California waters from large vessels, such as by: prohibiting and reporting of discharges of hazardous wastes, other wastes, or oily bilge water into California waters or a marine sanctuary; and prohibiting and reporting discharges of grey water and sewage into California waters from vessels with sufficient holding-tank capacity or vessels capable of discharging grey water or sewage to available shore-side reception facilities.

Coastal Act Chapter 3 policies (see *Multiple Environmental Issues*)

Section 30232 of the Coastal Act addresses hazardous materials spills and states that "Protection against the spillage of crude oil, gas, petroleum products, or hazardous substances shall be provided in relation to any development or transportation of such materials. Effective containment and cleanup facilities and procedures shall be provided for accidental spills that do occur."

Other

- **Hazardous Waste Control Act (Health & Saf. Code, ch. 6.5 & Cal. Code Regs., tit. 22 and 26)** establishes criteria for defining hazardous waste and its safe handling, storage, treatment, and disposal (law is designed to provide cradle-to-grave management of hazardous wastes and reduce the occurrence and severity of hazardous materials releases)
- **Hazardous Material Release Response Plans and Inventory Law** (Health & Saf. Code, ch. 6.95) is designed to reduce the occurrence and severity of hazardous materials releases. This State law requires businesses to develop a Release Response Plan for hazardous materials emergencies if they handle more than 500 pounds, 55 gallons, or 200 cubic feet of hazardous materials. In addition, the business must prepare a Hazardous Materials Inventory of all hazardous materials stored or handled at the facility over the above thresholds, and all hazardous materials must be stored in a safe manner.
- **California Code of Regulations, title 8, division 1** sets forth the Permissible Exposure Limit, the exposure, inhalation or dermal permissible exposure limit for numerous chemicals. Included are chemicals, mixture of chemicals, or pathogens for which there is statistically significant evidence, based on at least one study conducted in accordance with established scientific principles, that acute or chronic health effects may occur in exposed employees. Title 8 sections 5191 and 5194 require a Hazard Communication Plan to ensure both employers and employees understand how to identify potentially hazardous substances in the workplace, understand the associated health hazards, and follow safe work practices.
- **California Code of Regulations, title 19, division 2** establishes minimum statewide standards for Hazardous Materials Business Plans.
- **California Code of Regulations, title 22, division 4.5** regulates hazardous wastes and materials by implementation of a Unified Program to ensure consistency throughout the state in administration requirements, permits, inspections, and enforcement by Certified Unified Program Agencies (CUPAs)
- **California Code of Regulations, title 24, part 9 (Fire Code regulations)** – state hazardous materials should be used and storage in compliance with the state fire codes
- **Porter-Cologne Water Quality Control Act** (*see Hydrology and Water Quality section)*
- Seismic Hazards Mapping Act/Regulations (*see Geology and Soils section)*

HYDROLOGY AND WATER QUALITY

Hydrology and Water Quality (Federal)

Federal Clean Water Act (CWA) (33 U.S.C. § 1251 et seq.)

The CWA is comprehensive legislation (it generally includes the Federal Water Pollution Control Act of 1972, its supplementation by the CWA of 1977, and amendments in 1981, 1987, and 1993) that seeks to protect the nation's water from pollution by setting water quality standards for surface water and by limiting the discharge of effluents into waters of the U.S. These water quality standards are promulgated by the USEPA and enforced in California by the State Water Resources Control Board (SWRCB) and nine Regional Water Quality Control Boards (RWQCBs). CWA sections include:

- **Section 303(d) (33 U.S.C. § 1313)** requires states to list waters that are not attaining water quality standards, which is known as the 303(d) List of impaired waters. These requirements have lead to the development of total maximum daily load (TMDL) guidance at the state level through the SWRCB and various RWQCBs.
- **Section 305(b) (33 U.S.C. § 1315)** requires states to assess and report on the water quality status of waters within the states.
- **Section 316(b) (33 U.S.C. § 1326)** was implemented by the SWRCB regulating the entrainment and impingement of marine life related to power generating facility intake structures. The policy establishes technology-based standards to reduce the harmful effects associated with ocean cooling water intake structures on marine and estuarine life. The policy applies to existing power plants that can withdraw from State coastal and estuarine waters using a single-pass system ("once-through cooling"). Closed-cycle wet cooling has been selected as best technology available. Permittees must either reduce intake flow and velocity or reduce impacts to aquatic life comparably by other means.
- **Section 401 (33 U.S.C. § 1341)** specifies that any applicant for a federal permit or license to conduct any activity which may result in any discharge into the navigable waters of the U.S. to obtain a certification or waiver thereof from the state in which the discharge originates that such a discharge will comply with established state effluent limitations and water quality standards. U.S. Army Corps of Engineers projects are required to obtain this certification.
- **Section 402 (33 U.S.C. § 1342)** establishes conditions and permitting for discharges of pollutants under the National Pollutant Discharge Elimination System) (NPDES). Under the NPDES Program, states establish standards specific to water bodies and designate the types of pollutants to be regulated, including total suspended solids and oil; all point sources that discharge directly into waterways are required to obtain a permit regulating their discharge. NPDES permits fall under the jurisdiction of the SWRCB or RWQCBs when the discharge occurs within state waters (out to 3 nautical miles).
- **Section 403 (33 U.S.C. § 1343)** provides permit issuance guidelines for ocean discharge. Section 403 provides that point source discharges to the territorial seas, contiguous zone, and oceans are subject to regulatory requirements in addition to the technology – or water quality-based requirements applicable to typical discharges. These requirements are intended to ensure that no unreasonable degradation of the marine environment will occur as a result of the discharge and to ensure that sensitive ecological communities are protected.
- **Section 404 (33 U.S.C. § 1344)** authorizes the U.S. Army Corps of Engineers to issue permits for the discharge of dredged or fill material into waters of the U.S., including wetlands, streams, rivers, lakes, coastal waters or other water bodies or aquatic areas that qualify as waters of the U.S.

Hydrology and Water Quality (Federal)

Marine Protection, Research, and Sanctuary Act (16 U.S.C. § 1431 et seq. and 33 U.S.C. § 1401 et seq.)

In 1972, this Act established the National Marine Sanctuary Program, administered by the National Oceanic and Atmospheric Administration, which has a primary goal to establish and maintain National Marine Sanctuaries and protect natural and cultural resources contained within their boundaries.

Rivers and Harbors Act (33 U.S.C. § 401)

This Act governs specified activities in "navigable waters" (waters subject to the ebb and flow of the tide or that are presently used, have been used in the past, or may be susceptible for use to transport interstate or foreign commerce). Section 10 provides that construction of any structure in or over any navigable water of the U.S., or the accomplishment of any other work affecting the course, location, condition, or physical capacity of such waters, is unlawful unless the U.S. Army Corps of Engineers approves the work and issues a Rivers and Harbors Act section 10 Permit (which may occur concurrently with Clean Water Act Section 404 permits).

National Flood Insurance Program

In response to the increasing cost of disaster relief, Congress passed the National Flood Insurance Program (NFIP) of 1968 and the Flood Disaster Protection Act of 1973. FEMA administers the NFIP to provide subsidized flood insurance to communities that comply with FEMA regulations to limit development in floodplains. A FIRM is an official FEMA-prepared map of a community. It is used to delineate both the SFHAs and the flood-risk premium zones that are applicable to the community.

Other

- **Marine Plastic Pollution Research and Control Act** prohibits the discharge of plastic, garbage, and floating wood scraps within 3 nautical miles of land. Beyond 3 nautical miles, garbage must be ground to less than 1 inch, but discharge of plastic and floating wood scraps is still restricted. This Act requires manned offshore platforms, drilling rigs, and support vessels operating under a federal oil and gas lease to develop waste management plans.
- **Navigation and Navigable Waters (33 CFR) regulations** include requirements pertaining to prevention and control of releases of materials from vessels (e.g., oil spills), traffic control, and restricted areas, and general ports and waterways safety

Hydrology and Water Quality (State)

Porter-Cologne Water Quality Control Act (Wat. Code, § 13000 et seq.) (Porter-Cologne)

Porter-Cologne is the principal law governing water quality in California. The Act established the SWRCB and nine RWQCBs, which have primary responsibility for protecting water quality and beneficial uses of state waters. Porter-Cologne also implements many provisions of the federal Clean Water Act, such as the NPDES permitting program. Pursuant to Clean Water Act section 401, applicants for a federal license or permit for activities that may result in any discharge to waters of the U.S. must seek a Water Quality Certification from the state in which the discharge originates; such Certification is based on a finding that the discharge will meet water quality standards and other appropriate requirements of state law. In California, RWQCBs issue or deny certification for discharges within their jurisdiction. The SWRCB has this responsibility where projects or activities affect waters in more than one RWQCB's jurisdiction. If the SWRCB or a RWQCB imposes a condition on its Certification, those conditions must be included in the federal permit or license. Plans that contain enforceable standards for the various waters they address include the following:

Hydrology and Water Quality (State)

- Basin Plan. Porter-Cologne (see § 13240) requires each RWQCB to formulate and adopt a Basin Plan for all areas within the region. Each RWQCB must establish water quality objectives to ensure the reasonable protection of beneficial uses, and an implementation program for achieving water quality objectives within the basin plan. In California, the beneficial uses and water quality objectives are the state's water quality standards.
- California Ocean Plan (see § 13170.2) establishes water quality objectives for California's ocean waters and provides the basis for regulating wastes discharged into ocean and coastal waters. The plan applies to point and non-point sources. In addition, the Ocean Plan identifies applicable beneficial uses of marine waters and sets narrative and numerical water quality objectives to protect beneficial uses. The SWRCB first adopted this plan in 1972, and it reviews the plan at least every 3 years to ensure that current standards are adequate and are not allowing degradation to indigenous marine species or posing a threat to human health.
- Other: Water Quality Control Plan for Enclosed Bays and Estuaries of California; Water Quality Control Plan for Control of Temperature in the Coastal and Interstate Waters and Enclosed Bays and Estuaries of California (Thermal Plan); and San Francisco Bay/Sacramento-San Joaquin Delta Estuary Water Quality Control Plan.

RWQCBs also oversee on-site treatment of "California Designated, Non-Hazardous Waste" and enforces water quality thresholds and standards set forth in the Basin Plan. Applicants may be required to obtain a General Construction Activities Storm Water Permit under the NPDES program, and develop and implement a Storm Water Pollution Prevention Plan (SWPPP) that includes best management practices to control erosion, siltation, turbidity, and other contaminants associated with construction activities. The SWPPP would include best management practices to control or prevent the release of non-storm water discharges, such as crude oil, in storm water runoff.

NPDES General Construction Stormwater Permit

The General NPDES Permit for Stormwater Discharges Associated with Construction and Land Disturbance Activities (Order 2009-0009-DWQ, as amended by 2010-0014-DWQ and 2012-006-DWQ) (Construction General Permit) regulates stormwater discharges related to construction activities. Dischargers whose projects disturb 1 or more acres of soil, or whose projects disturb less than 1 acre but are part of a larger common plan of development that, in total, disturbs 1 or more acres, are required to obtain coverage under the Construction General Permit. The Construction General Permit requires development and implementation of a Stormwater Pollution Prevention Plan (SWPPP). The SWPPP must list best management practices (BMPs) that the discharger will use to reduce or eliminate pollutants associated with construction activities in stormwater runoff and document the placement and maintenance of those BMPs. Additionally, the SWPPP must contain a visual monitoring program; a chemical monitoring program for "nonvisible" pollutants, to be implemented in case of a BMP failure; and a monitoring plan for turbidity and pH for projects that meet defined risk criteria. The requirements of the SWPPP are based on the construction design specifications detailed in the final design plans of a project and the hydrology and geology of the site expected to be encountered during construction. The local or lead agency requires proof of coverage under the Construction General Permit prior to building permit issuance. The SWPPP is submitted to the State Water Board, and a copy is kept at the jobsite where it is updated during different phases of construction. The SWPPP must be available for inspection and review upon request.

State Water Board Phase II MS4 Permit

Somoa is not within a Humboldt County Phase II MS4 Permit area (https://webgis.co.humboldt.ca.us/HCEGIS2.0/).

Hydrology and Water Quality (State)
Surface and Submerged Lands Lease Agreement The California State Lands Commission (CSLC) has exclusive jurisdiction over all of California's tidelands and submerged lands as well as the beds of naturally navigable rivers and lakes, sovereign lands, swamp and overflow lands, and state school lands (proprietary lands). CSLC has statutory authority (Division 6 of the California Resources Code) to approve appropriate uses for public property rights within these sovereign lands, such as water-borne commerce, navigation, fisheries, open space, recreation, or other recognized public trust purposes. CSLC management responsibilities include activities within submerged lands (from the mean high-tide line) as well as activities within an area 3 nautical miles offshore. These activities include oil and gas development, harbor development and management oversight, construction and operation of offshore pipelines or other facilities, dredging, reclamation, use of filled sovereign lands, topographical and geological studies, and other activities that occur on these lands. CSLC also surveys and maintains the title records of all state sovereign lands and settles issues regarding title and jurisdiction.
Coastal Act Chapter 3 policies (see *Multiple Environmental Issues*) Section 30231 states that the biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.
Harbors and Navigation Code sections 650-674 This code specifies a State policy to "promote safety for persons and property in and connected with the use and equipment of vessels," and includes laws concerning marine navigation that are implemented by local city and county governments. This Code also regulates discharges from vessels within territorial waters of the State of California to prevent adverse impacts on the marine environment. This code regulates oil discharges and imposes civil penalties and liability for cleanup costs when oil is intentionally or negligently discharged to the waters of the State of California.
Marine Life Management Act The Marine Life Management Act of 1999 is a plan for managing fisheries and other marine life in the State.
Marine Life Protection Act (MLPA) (Fish & G. Code, §§ 2850–2863) Pursuant to this Act, the CDFW established and manages a network of Marine Protected Areas (MPAs) to, among other goals, protect marine life and habitats and preserve ecosystem integrity.
Marine Managed Areas Improvement Act. This Act established the California Marine Managed Areas System, extended State Parks' management jurisdiction into the marine environment, and gives priority to MPAs adjacent to protected terrestrial lands. For example, more than 25 percent of the California coastline is within the State Park System.

Hydrology and Water Quality (State)

Other sections

- Lake and Streambed Alteration Program (Fish & G. Code, §§ 1600-1616) (see *Biological Resources* section)
- Water Code section 8710 requires that a reclamation board permit be obtained prior to the start of any work, including excavation and construction activities, if projects are located within floodways or levee sections. Structures for human habitation are not permitted within designated floodways
- Water Code section 13142.5 provides marine water quality policies stating that wastewater discharges shall be treated to protect present and future beneficial uses, and, where feasible, to restore past beneficial uses of the receiving waters. The highest priority is given to improving or eliminating discharges that adversely affect wetlands, estuaries, and other biologically sensitive sites; areas important for water contact sports; areas that produce shellfish for human consumption; and ocean areas subject to massive waste discharge.

LAND USE AND PLANNING

Land Use and Planning (Federal)

Coastal Zone Management Act (see *Multiple Environmental Issues*)

Land Use and Planning (State)

Submerged Lands Act

The State of California owns tide and submerged lands waterward of the ordinary high watermark. State law gives primary responsibility for determination of the precise boundary between these public tidelands and private lands, and administrative responsibility over state tidelands, to the CSLC. Access and use of state shoreline areas can be obtained through purchase or lease agreements.

Coastal Act Chapter 3 policies (see *Multiple Environmental Issues*)

- **Section 30220** – Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.
- **Section 30221** – Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.
- **Section 30222** – The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.
- **Section 30223** – Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.
- **Section 30224** – Increased recreational boating use of coastal waters shall be encouraged, in accordance with this division, by developing dry storage areas, increasing public launching facilities, providing additional berthing space in existing harbors, limiting non-water-dependent land uses that congest access corridors and preclude boating support facilities, providing harbors of refuge, and by providing for new boating facilities in natural harbors, new protected water areas, and in areas dredged from dry land.

MINERAL RESOURCES

Mineral Resources (State)

Surface Mining and Reclamation Act (SMARA) (Pub. Resources Code, §§ 2710-2796).

The California Department of Conservation is the primary agency with regard to mineral resource protection. The Department, which is charged with conserving earth resources (Pub. Resources Code, §§ 600-690), has five program divisions: California Geological Survey (CGS); Division of Oil, Gas, and Geothermal Resources; Division of Land Resource Protection; State Mining and Geology Board (SMGB); and Division of Mine Reclamation. SMGB develops policy direction regarding the development and conservation of mineral resources and reclamation of mined lands. In accordance with SMARA, CGS classifies the regional significance of mineral resources and assists in designating lands containing significant aggregate resources. Four Mineral Resource Zones (MRZs) are designated to indicate the significance of mineral deposits.

- MRZ-1 – Areas where adequate information indicates that no significant mineral deposits are present or where it is judged that little likelihood exists for their presence
- MRZ-2 – Areas where adequate information indicates significant mineral deposits are present, or where it is judged that a high likelihood exists for their presence
- MRZ-3 – Areas containing mineral deposits the significance of which cannot be evaluated from available data
- MRZ-4 – Areas where available information is inadequate for assignment to any other MRZ

The Warren-Alquist Act

This act was adopted in 1974 to encourage conservation of non-renewable energy resources.

NOISE

Noise (Federal)

Noise Control Act (42 U.S.C. § 4910) and NTIS 550\9-74-004, 1974

The Noise Control Act required the USEPA to establish noise emission criteria and noise testing methods (40 CFR Chapter 1, Subpart Q). These criteria generally apply to interstate rail carriers and to some types of construction and transportation equipment. In 1974, the USEPA provided guidance in NTIS 550\9-74-004 ("Information on Levels of Environmental Noise Requisite to Protect Health and Welfare with an Adequate Margin of Safety;" referenced as the "Levels Document") that established an L_{dn} of 55 dBA as the requisite level, with an adequate margin of safety, for areas of outdoor uses including residences and recreation areas. The recommendations do not consider technical or economic feasibility (i.e., the document identifies safe levels of environmental noise exposure without consideration for achieving these levels or other potentially relevant considerations), and therefore should not be construed as standards or regulations.

NTIS 550\9-74-004, 1974

In response to a Federal mandate, the USEPA provided guidance in NTIS 550\9-74-004, 1974 ("Information on Levels of Environmental Noise Requisite to Protect Health and Welfare with an Adequate Margin of Safety"), commonly referenced as the "Levels Document" that establishes an Ldn of 55 dBA as the requisite level, with an adequate margin of safety, for areas of outdoor uses including residences and recreation areas. The USEPA recommendations contain a factor of safety and do not consider technical or economic feasibility (i.e., the document identifies safe levels of environmental noise exposure without consideration for achieving these levels or other potentially relevant considerations), and therefore should not be construed as standards or regulations.

Noise (State)

Land Use Compatibility Guidelines from the now defunct California Office of Noise Control

State regulations for limiting population exposure to physically and/or psychologically significant noise levels include established guidelines and ordinances for roadway and aviation noise under the California Department of Transportation and the now defunct California Office of Noise Control. Office of Noise Control land use compatibility guidelines provided the following:

- For residences, an exterior noise level of 60 to 65 dBA Community Noise Equivalent Level (CNEL) is considered "normally acceptable;" a noise level of greater than 75 dBA CNEL is considered "clearly unacceptable."
- A noise level of 70 dBA CNEL is considered "conditionally acceptable" (i.e., the upper limit of "normally acceptable" for sensitive uses [schools, libraries, hospitals, nursing homes, churches, parks, offices, commercial/professional businesses]).

Other

- **California Code of Regulations, title 24** establishes CNEL 45 dBA as the maximum allowable indoor noise level resulting from exterior noise sources for multi-family residences.

POPULATION AND HOUSING

There are no major federal or state laws, regulations, and policies potentially applicable to this project

PUBLIC SERVICES

Public Services (Federal)

CFR Title 29

- **29 CFR 1910.38** requires an employer, when required by an Occupational Safety and Health Administration (OSHA) standard, to have an Emergency Action Plan that must be in writing, kept in the workplace, and available to employees for review
- **29 CFR 1910.39** requires an employer to have a Fire Prevention Plan (FPP)
- **29 CFR 1910.155, Subpart L, Fire Protection** requires employers to place and keep in proper working order fire safety equipment within facilities

Public Services (State)

California Code of Regulations, title 19 (Public Safety)

California State Fire Marshal regulations establish minimum standards for the prevention of fire and for protection of life and property against fire, explosion, and panic.

RECREATION

There are no major federal laws, regulations, and policies potentially applicable to this project

Recreation (State)

Coastal Act Chapter 3 policies (see *Multiple Environmental Issues*)

- **Section 30210** – In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse
- **Section 30220** – Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses
- **Section 30221** – Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area
- **Section 30222.5** – Oceanfront land that is suitable for coastal dependent aquaculture shall be protected for that use, and proposals for aquaculture facilities located on those sites shall be given priority, except over other coastal dependent developments or uses

Other

- **California Ocean Sport Fishing Regulations.** Each year, the Fish and Game Commission issues regulations on the recreational fishing within State marine waters. These regulations specify season, size and bag limits, gear restrictions, as well as licensing requirements. Following the development of the MPAs, a section on fishing restrictions within the MPAs was also included.

TRANSPORTATION / TRAFFIC

Transportation / Traffic (Federal)

Hazardous Materials Transportation Act (HMTA) (49 U.S.C. § 5901)

The HMTA delegates authority to the U.S. Department of Transportation to develop and implement regulations pertaining to the transport of hazardous materials and hazardous wastes by all modes of transportation. The USEPA's Hazardous Waste Manifest System is a set of forms, reports, and procedures for tracking hazardous waste from a generator's site to the disposal site. Applicable regulations are contained primarily in CFR Titles 40 and 49.

Ports and Waterways Safety Act

This Act provides the authority for the U.S. Coast Guard to increase vessel safety and protect the marine environment in ports, harbors, waterfront areas, and navigable waters, including by authorizing the Vessel Traffic Service, controlling vessel movement, and establishing requirements for vessel operation.

Transportation / Traffic (State)
California Vehicle Code
Chapter 2, article 3 defines the powers and duties of the California Highway Patrol, which enforces vehicle operation and highway use in the State. The California Department of Transportation is responsible for the design, construction, maintenance, and operation of the California State Highway System and the portion of the Interstate Highway System within State boundaries.
Caltrans has the discretionary authority to issue special permits for the use of California State highways for other than normal transportation purposes. Caltrans also reviews all requests from utility companies, developers, volunteers, nonprofit organizations, and others desiring to conduct various activities within the California Highway right of way. The Caltrans Highway Design Manual, prepared by the Office of Geometric Design Standards (Caltrans 2012), establishes uniform policies and procedures to carry out the highway design functions of Caltrans. Caltrans has also prepared a Guide for the Preparation of Traffic Impact Studies (Caltrans 2002). Objectives for the preparation of this guide include providing consistency and uniformity in the identification of traffic impacts generated by local land use proposals.
Harbors and Navigation Code sections 650-674
This code specifies a policy to "promote safety for persons and property in and connected with the use and equipment of vessels," and includes laws concerning marine navigation that are implemented by local city and county governments. This Code also regulates discharges from vessels within territorial waters of the State of California to prevent adverse impacts on the marine environment. This code regulates oil discharges and imposes civil penalties and liability for cleanup costs when oil is intentionally or negligently discharged to state waters.

UTILITIES AND SERVICE SYSTEMS

Utilities and Service Systems (Federal)
CFR Title 29 (see *Public Services*)

Utilities and Service Systems (State)
California Integrated Waste Management Act (AB 939; Stats. 1989, ch. 1095)
AB 939 mandates management of non-hazardous solid waste throughout California. Its purpose includes: reduce, recycle, and reuse solid waste generated in the state to the maximum extent feasible; improve regulation of existing solid waste landfills; ensure that new solid waste landfills are environmentally sound; streamline permitting procedures for solid waste management facilities; and specify local government responsibilities to develop and implement integrated waste management programs. AB 939 policies preferred waste management practices include the following. The highest priority is to reduce the amount of waste generated at its source (source reduction). Second is to reuse, by extending the life of existing products and recycling those wastes that can be reused as components or feed stock for the manufacture of new products, and by composting organic materials. Source reduction, reuse, recycling and composting are jointly referred to as waste diversion methods because they divert waste from disposal. Third is disposal by environmentally safe transformation in a landfill. All local jurisdictions, cities, and counties must divert 50 percent of the total waste stream from landfill disposal by the year 2000 and each year thereafter (with 1990 as the base year).

Utilities and Service Systems (State)

California Code of Regulations, title 19 (Public Safety)

Title 19, sets standards for the prevention of fire and protection of property and life by the Seismic Safety Commission, Office of Emergency Services, and Office of the Fire Marshall. It also contains guidelines and standards for general fire, construction, explosives, emergency management, earthquakes, and fire.

Coastal Act Chapter 3 policies (see *Multiple Environmental Issues*)

- **Section 30254** – New or expanded public works facilities shall be designed and limited to accommodate needs generated by development or uses permitted consistent with the provisions of this division; provided, however, that it is the intent of the Legislature that State Highway Route 1 in rural areas of the coastal zone remain a scenic two-lane road. Special districts shall not be formed or expanded except where assessment for, and provision of, the service would not induce new development inconsistent with this division. Where existing or planned public works facilities can accommodate only a limited amount of new development, services to coastal-dependent land use, essential public services and basic industries vital to the economic health of the region, state, or nation, public recreation, commercial recreation, and visitor-serving land uses shall not be precluded by other development.