

3.0 ISSUE AREA ANALYSIS

3.0.1 Introduction to Public Trust Analysis

This section of the Revised Analysis of Impacts to Public Trust Resources and Values (APTR) document analyzes the potential impacts to public trust resources and values of the Broad Beach Geologic Hazard Abatement District's (BBGHAD, or the Applicant) proposed Broad Beach Restoration Project (Project). The scope of this section analyzes issue areas relevant to public trust resources and values and affected resources outside the public trust impact area for qualitative information purposes.

Issue Areas Driving the BBGHAD's Project Purpose and Objectives:

- Coastal Processes, Sea Level Rise, and Geologic Hazards (Section 3.1)

Issue Areas Related to Ecological Preservation, Open Space, Scientific Study and Other Public Trust Resources and Values:

- Recreation and Public Access (Section 3.2)
- Marine Biological Resources (Section 3.3)
- Terrestrial Biological Resources (Section 3.4)
- Marine Water Quality (Section 3.5)
- Scenic Resources (Section 3.6)
- Additional Analyses (Section 3.7)
 - Air Quality and Greenhouse Gases (Section 3.7.1)
 - Traffic and Parking (Section 3.7.2)
 - Cultural and Paleontological Resources (Section 3.7.3)
 - Noise (Section 3.7.4)
 - Public Health and Safety Hazards (Section 3.7.5)
 - Utilities and Service Systems (Section 3.7.6)
 - Environmental Justice (Section 3.7.7)

3.0.2 Methodology

The analysis of each issue area in Sections 3.1 through 3.7 provides the following information.

- *Environmental Setting Pertaining to the Public Trust.* The analysis begins by examining the environmental setting. Potential Project effects are evaluated by comparing the existing setting to any changes to public trust resources and values that would be attributable to Project components and operations.
- *Regulatory Setting.* Statutes, regulations, ordinances, policies, and common law relevant to the Project and public trust resources and values are identified here or the reader is referred to Table 3-3.

- 1 · *Public Trust Impact Criteria.* The criteria provide a benchmark for determining if
- 2 the Project or a Project component will affect public trust resources and values
- 3 when evaluated against the existing setting for each section.
- 4 · *Public Trust Impact Analysis.* This section describes direct and indirect impacts
- 5 that may result from Project implementation. Throughout Section 3.0, impact
- 6 statements are presented inside a text box and identified by a letter-number
- 7 designation (e.g., **Impact REC-1** is a Recreation and Public Access impact).
- 8 Effects on public trust resources and values are classified according to the four
- 9 categories in the box below. A fifth category, Increased Intensity, pertains to
- 10 affected resources outside the public trust impact area (see Figure 1-2).

Major Adverse Effect	Mj	The Project would have a major adverse effect on public trust resources and values associated with a specific issue area (e.g., recreation and public access) in comparison to existing conditions.
Minor Adverse Effect	Mi	With implementation of AMMs, the Project would have a minor adverse effect on public trust resources and values associated with a specific issue area (e.g., recreation and public access) in comparison to existing conditions.
Beneficial Effect	B	The Project would provide an improvement to public trust resources and values associated with a specific issue area (e.g., recreation and public access) in comparison to existing conditions.
Negligible Effect	N	The Project would have a negligible effect on public trust resources and values associated with a specific issue area (e.g., recreation and public access) in comparison to existing conditions.
Increased Intensity	-I	The Project would have no effect on public trust resources and values within the public trust impact area evaluated in this APTR; however, the Project may cause an increase in intensity of use or effect associated with a specific issue area (e.g., traffic) in comparison to existing conditions outside of the public trust impact area evaluated in this APTR. These affected resources are evaluated qualitatively for information purposes.

- 11 · *Avoidance and Minimization Measures (AMMs).* When potentially adverse effects
- 12 to a public trust resource or use thereof are identified, AMMs may also be
- 13 identified that, when implemented, would avoid or reduce the intensity of the
- 14 adverse effects; these measures may be adopted by the California State Lands
- 15 Commission (CSLC) as conditions of any lease granted to the BBGHAD for the
- 16 Project. The AMMs recommended in the Revised APTR are presented with a
- 17 letter-number designation (e.g., AMM REC-1), numbered to be consistent with
- 18 the impact they were developed to address. The AMMs are also presented in a
- 19 Monitoring Implementation Program, which is provided in Section 5.0.

20 In addition to the impact analysis presented in Section 3.0, the Revised APTR includes
 21 impact analyses for a series of alternatives to the Project (Section 4.0, *Alternatives*).
 22 The identification, screening, and evaluation of alternatives are provided in Appendix L.

1 3.0.3 Changes from the 2012 Draft APTR

2 Table 3-1 provides a summary of the changes by issue area in this Revised APTR
 3 compared to the 2012 Draft APTR. Most of the changes result from the BBGHAD's
 4 decision to use inland commercial quarries as a sand source versus offshore dredging
 5 sites (i.e., Ventura Harbor, offshore Dockweiler and Trancas Sand Deposits) as
 6 originally proposed. For example, by eliminating offshore sand sources, Marine Vessel
 7 Safety (Section 3.14 in the 2012 Draft APTR) is no longer applicable and was removed.
 8 Additionally, the Revised APTR was reformatted to focus more specifically on impacts
 9 to public trust resources. As part of the reorganization of the document, land use and
 10 policy consistency is now addressed in the table in Appendix M.

Table 3-1. Summary of Changes: 2012 Revised APTR

Coastal Processes, Sea Level Rise, and Geological Hazards (Section 3.1)	<p>Following publication of the 2012 Draft ATPR, additional studies were performed to update beach profiles and sand loss estimates. These studies are incorporated and referenced within Section 3.1.</p> <p>Since no offshore dredging would occur under the revised Project, the following potential impacts identified in the 2012 Draft APTR have been removed from this Revised APTR: Changes to Coastal Processes in the Broad Beach Restoration Area due to Trancas Sediment Deposit Dredging Activities; Changes to Coastal Processes at the Sediment Source Areas due to Dredging Activity; and Extracted Sand Lost as Resource to other Beaches.</p>
Recreation and Public Access (Section 3.2)	<p>The revised Project no longer includes a 25-foot privacy buffer between the restored beach and the private residences.</p> <p>Following publication of the 2012 Draft ATPR, additional studies were conducted to update the description of the surfing conditions and recreational value of the Project area. These studies are incorporated and referenced within the impact analyses presented in Section 3.2.</p> <p>Since no offshore dredging would occur under the revised Project, the recreation impact analyses have shifted from offshore sand source areas to the truck transport routes along PCH and the Zuma Beach parking lot as a result of importing sand from the inland sand sources. Given these changes, the following impacts that were included in the 2012 Draft APTR have been removed from this Revised APTR: Privacy Buffer Effects to Public Trust Lands and Access and Recreational Use Easements; and Sand Supply Effects on Regional Sand Resources.</p>
Marine Biological Resources (Section 3.3)	<p>Since no offshore dredging would occur under the revised Project, the following potential impacts from the 2012 Draft APTR have been removed from this Revised APTR: Dredging Impacts to Marine Resources; Construction and Vessel Impacts to Commercial and Recreational Fishing; and Vessel and Noise Impacts to Marine Mammals and Turtles.</p>
Terrestrial Biological Resources (Section 3.4)	<p>No significant changes have occurred under terrestrial biological resources as a result of changing the sand sources from offshore sites to the inland quarries.</p>

Table 3-1. Summary of Changes: 2012 Revised APTR

Marine Water Quality (Section 3.5)	Since no offshore dredging would occur under the revised Project, the following potential impacts from the 2012 Draft APTR have been removed from this Revised APTR: Dredging Impacts to Marine Water and Sediment Quality; and Impacts to Water and Sediment Quality from Potential Marine Vessel Fuel Oil Spill.
Scenic Resources (Section 3.6)	Since no offshore dredging would occur under the revised Project, the following potential impacts from the 2012 Draft APTR have been removed from this Revised APTR: Visual Effects from Dredging Activities Offshore Dockweiler beach and Outside Ventura Harbor; and Potential Indirect Visual Impacts to Los Angeles and Ventura Beaches due to Decreased Sand Supply. These impacts have been replaced with an analysis of the additional impacts to visual quality/aesthetics as a result from the introduction of 43,000 truck trips necessary to haul the sand to the Project area, as well as the additional heavy machinery needed to maneuver and place the sand once imported to the Project area. The potential aesthetic impact from the added net supply of sand to the local littoral cell has also been added to this Revised APTR.
Air Quality and Greenhouse Gases (Section 3.7.1)	The project described in the 2012 Draft APTR included dredging and pumping activities associated with offshore sand sources for beach nourishment activities. As proposed, the Project now involves heavy truck hauling activities to transport sand supply from inland quarry sources. As such, the Project would have resulted in different emission types and quantities. Based on air quality modeling and analysis completed for the 2012 Draft APTR, construction activities of the former project would have resulted in less VOC emissions than the currently proposed Project. However, the 2012 project would have resulted in more SO _x and PM _{2.5} emissions compared to the current Project. CO, NO _x , and PM ₁₀ emissions would be similar between the 2012 Draft APTR and this Project. These changes in air quality impacts result largely from the different equipment that would be used throughout the construction phase (e.g., heavy hauling trucks are associated with relatively high VOC emissions). Since the project described in the 2012 Draft APTR did not include hauling activities, VOC emissions were lesser than the current Project.
Traffic and Parking (Section 3.7.2)	The potential for impacts to onshore transportation and parking associated with the Project as described in the 2012 Draft APTR was lower due to the originally proposed offshore sand source sites. The replacement of offshore sand sources with the onshore quarries increases the direct potential for onshore transportation to be affected as a result of the Project. As such, a complete traffic analysis focusing on the traffic and parking impacts along the PCH and in the vicinity of the Project was conducted for this Revised APTR. Beyond the public trust impact area, traffic impacts are analyzed qualitatively for the inland sand transportation routes.
Cultural and Paleontological Resources (Section 3.7.2)	The replacement of offshore sand sources with the inland sand sources eliminates the direct potential for cultural resources to be affected as a result of dredging and/or excavation activities previously analyzed in the 2012 Draft APTR. Given that there would be no dredging under the currently proposed Project, the AMMs that were previously included in the

Table 3-1. Summary of Changes: 2012 Revised APTR

	2012 Draft APTR to address potential cultural resources are no longer applicable and have been removed.
Noise (Section 3.7.3)	Because there would be no offshore activities associated with the revised Project, there would be no offshore noise sources as were described in the 2012 Draft APTR. As such, the following impacts that were included in the 2012 Draft APTR were removed from this Revised APTR: Construction Impacts to Offshore Recreational Users in the Vicinity of the Borrow Sites and Sand Transportation Routes; and Construction Impacts to Onshore Recreational Users at Ventura Harbor and Dockweiler State Beach. An impact discussion on Project impacts to sensitive receptors along PCH and Zuma Beach has been added to assess the noise impacts from hauling trucks on these receptors. Beyond the public trust impact area, noise impacts are analyzed qualitatively for the inland sand transportation routes.
Public Health and Safety Hazards (Section 3.7.4)	The currently proposed Project would use onshore inland sources of sand, consequently, this Revised APTR does not consider impacts associated with dredging (e.g., potential for contaminants in dredged material) and other hazards resulting from the presence of a dredge pipeline. Additionally, new traffic safety considerations associated with the accommodation of a larger staging area and the travel and maneuvering of large haul trucks near the Project site are discussed in Section 3.8.4, Transportation and Parking. Beyond the public trust impact area, public safety hazards are analyzed qualitatively for the inland sand transportation routes.
Utilities and Service Systems (Section 3.7.6)	<p>One change between the 2012 Draft APTR and this Revised APTR is the strategy for managing runoff from the storm water drains. The previous document described using extendable pipes that would drain the runoff down to the surf. As the beach eroded and the pipes were exposed they could be disconnected and removed to reduce lateral access obstacles. The current document has engineered breaks in the dune system to allow for runoff to drain more naturally to the beach and percolate or flow through the sand into the ocean. As such, the following impact from the 2012 Draft APTR has been removed from this Revised APTR: Extension of Storm Drains May Impede Public Access.</p> <p>This Revised APTR also analyzes potential impacts for sculpting the dune system around drainage outlets and reduced beach fill along the drainage path of the outlet. In addition, the 2012 Draft APTR identified that all homes within the Project areas were served by Onsite Wastewater Treatment Systems (OWTS). New information provided by the city of Malibu actually indicates that 19 homes area on Lechuza Point receive public wastewater disposal service (City of Malibu, 2014).</p>
Environmental Justice (Section 3.7.7)	Since offshore sand sources are no longer included in the Project, Impacts EJ-2 through EJ-3 no longer addresses the impacts of dredging and offshore sand sources. This Revised APTR also revised Impact EJ-4 to include an additional analysis of potential beneficial impacts to public access and enjoyment of public trust resources at Broad Beach. Beyond the public trust impact area, environmental justice impacts are analyzed qualitatively for the inland sand transportation routes.

1 **3.0.4 Future Projects in the Project Area**

2 Table 3-2 identifies future proposed projects would occur near the Broad Beach
 3 Restoration Project area. These projects are considered only if they would potentially
 4 conflict with Project activities or direct and indirect impacts of the Project.

Table 3-2. Future Projects

<p>PCH Bridge Replacement Project</p>	<p>Caltrans has programmed money to replace and widen the PCH bridge overlying Trancas Creek. Currently the bridge replacement and widening project is in the very early stages of development. Preliminary designs are not yet available; however, a Preliminary Environmental Analysis Report (PEAR) is being prepared for the project. The PCH bridge replacement would likely have short-term construction impacts on Trancas Creek, but long-term beneficial impacts as the piers and footings for the bridge would be relocated out of the water channel. Because construction is envisioned in approximately 3 to 5 years, the PCH Bridge Replacement Project would likely occur after, and would not conflict with, the BBGHAD's initial beach restoration activities.</p>
<p>Trancas Creek Restoration Project</p>	<p>The Trancas Creek Restoration Project, a joint effort between the Resource Conservation District of the Santa Monica Mountains and the National Park Service, includes restoration of Trancas Lagoon and upstream reaches of Trancas Creek. This project is also in the early planning and development stages in association with the PCH Bridge Replacement Project. A formal planning process has begun to develop a comprehensive lagoon restoration plan, including bioengineering for the west bank, excavation of fill to expand the lagoon footprint, restoration of fish passage through obstructions in the concrete culverts, identification of opportunities for associated wetland and transitional upland habitat development, and plans for integrating passive recreational opportunities. Important objectives to be addressed in restoration design would be to provide essential habitat and passage improvement for coastal fish species, including federally endangered tidewater gobies and southern steelhead trout, and reduce sedimentation and erosion. This project is expected to commence after the Caltrans PCH Bridge Replacement Project, which is expected to begin construction in 3 to 5 years, and therefore this project would occur after and would not conflict with, the BBGHAD's initial beach restoration activities.</p> <p>Over the long-term, this project is intended to improved tidal interchange, which could increase the frequency and duration of the opening of Trancas Lagoon to tidal interchange including associated increases in sediment outflow from this creek. As such, it would potentially incrementally contribute to direct and indirect impacts of the Project associated with additional sediment on the beach and associated effects on down coast habitats as. Therefore, Section 3.1, <i>Coastal Processes, Sea Level Rise, and Geologic Hazards</i>, and Section 3.3, <i>Terrestrial Biological Resources</i>, analyzes potential impacts from the proposed Broad Beach Restoration Project area with future construction and restoration activities of Trancas Creek.</p>

1 **3.0.5 Regulatory Setting**

2 Federal, State, regional, and local laws, regulations, and policies applicable to each
3 issue area are identified in each subsection in Section 3.0. Table 3-3 identifies coastal-
4 related U.S. and California laws and programs that are relevant to multiple issue areas.
5 Pursuant to a consolidated coastal development permit, the California Coastal
6 Commission (CCC) will address the Project's consistency with the California Coastal
7 Act and Local Coastal Programs (LCPs) of the city of Malibu and other applicable local
8 governments; for reference purposes only, Appendix M summarizes the California
9 Coastal Act policies and Malibu LCP policies that are most relevant to the Project.

Table 3-3. Regulatory Framework Relevant to the BBGHAD’s Broad Beach Restoration Project

All-Encompassing Coastal-Related/Multiple Issue Areas		
Public Trust Doctrine		See Section 1.1.1.
U.S.	Coastal Zone Management Act (CZMA) (42 United States Code [USC] 4321 et seq.)	The CZMA 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 CZMA, coastal states develop and implement comprehensive coastal management programs (CMPs) that describe uses subject to the CMP, authorities and enforceable policies, and coastal zone boundaries, among other elements. The CZMA 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 CCC coordinates federal consistency review within the Project area.
CA	California Coastal Act (Coastal Act) of 1976 (Pub. Resources Code, §§ 30000 et seq.) CCC Federal Consistency Program/ California Coastal Management Program (CCMP)	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 (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, offshore 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. Through the federally approved CCMP, the CCC also implements the CZMA 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.
Coastal Processes, Sea Level Rise, and Geologic Hazards (Section 3.1)		
CA	Coastal Act (see also above)	<ul style="list-style-type: none"> • Section 30235 applies to the use of revetments to protect existing structures from coastal processes. • 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 states in part: The long-term productivity of soils and timberlands shall be protected...
CA	Surface Mining and Reclamation Act (SMARA) (Pub. Resources Code, §§ 2710-2796),	In accordance with SMARA, the California Geological Survey classifies the regional significance of mineral resources and assists in the designation of lands containing significant aggregate resources. Mineral Resource Zones (MRZs) have been designated to indicate the significance of mineral deposits. The MRZ categories are: <ul style="list-style-type: none"> • 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.

Table 3-3. Regulatory Framework Relevant to the BBGHAD's Broad Beach Restoration Project

		<ul style="list-style-type: none"> · 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.
Recreation and Public Access (Section 3.2)		
CA	California Constitution	<p>Public access to tide and submerged lands is protected under the California Constitution, which affirms the common law Public Trust doctrine. Article X, Section 4 prohibits any person or entity with a claim to, or possession of, tidal lands or a harbor, bay, inlet, estuary, or other navigable water, to exclude the right of way to such water when required for any "public purpose." Article X, Section 4 also directs the Legislature to enact laws that give the most liberal interpretation of the section so that the access to navigable waters shall always be attainable for the people. Through decisions of the California Supreme Court, recreational purposes are included among "public purposes" for this provision (<i>Marks v. Whitney (1971) 6 Cal.3d 251</i>).</p> <p>In order to implement this constitutional protection, the California legislature enacted California Government Code § 66478.3, which declares that public access to public natural resources is essential to the health and well-being of all citizens of California. The Coastal Act (Pub. Resources Code § 30210) provides that "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."</p>
CA	Coastal Act (see also above)	<ul style="list-style-type: none"> · Section 30001.5. <ul style="list-style-type: none"> (a) Protect, maintain, and where feasible, enhance and restore the overall quality of the coastal zone environment and its natural and artificial resources; (b) Assure orderly, balanced utilization and conservation of coastal zone resources, taking into account the social and economic needs of the people of the State; (c) Maximize public access to and along the coast and maximize public recreational opportunities in the coastal zone consistent with sound resource conservation principles and constitutionally protected rights of private property owners; (d) Assure priority for coastal-dependent and coastal-related development over other development on the coast; (e) Encourage State and local initiatives and cooperation in preparing procedures to implement coordinated planning and development for mutually beneficial uses, including educational uses, in the coastal zone. · 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.

Table 3-3. Regulatory Framework Relevant to the BBGHAD’s Broad Beach Restoration Project

		<ul style="list-style-type: none"> 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.
Biological Resources—Marine and Terrestrial (Sections 3.3 and 3.4)		
U.S.	Endangered Species Act (FESA) (7 USC 136, 16 USC 1531 et seq.)	<p>The FESA, which is administered in California by the USFWS and NMFS, provides protection to species listed as threatened or endangered, or proposed for listing as threatened or endangered. Section 9 prohibits the “take” of any member of a listed species.</p> <ul style="list-style-type: none"> Take is defined as “...to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct.” Harass is “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 is defined as “...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.” <p>When applicants are proposing projects with a Federal nexus that “may affect” a federally listed or proposed species, the Federal agency is required to consult with the USFWS or NMFS, as appropriate, under Section 7, which provides that each Federal agency must 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.</p>
U.S.	Magnuson-Stevens Fishery Conservation and Management Act (MSA) (16 USC 1801 et seq.)	<p>The MSA is the primary law governing marine fisheries management in U.S. Federal waters. The MSA was first enacted in 1976 and amended in 1996. Amendments to the 1996 MSA 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 USACE 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 USC 1802(10)). The EFH provisions of the MSA offer resource managers a means to heighten consideration of fish habitat in resource management. Pursuant to section 305(b)(2), Federal agencies shall consult with the NMFS regarding any action they authorize, fund, or undertake that might adversely affect EFH.</p>
U.S.	Marine Mammal Protection Act (MMPA) (16 USC 1361 et seq.)	<p>The MMPA is designed to protect and conserve marine mammals and their habitats. It prohibits takes of all marine mammals in the U.S. with few exceptions. 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.</p>
U.S.	Marine Protection, Research, and	<p>The Act regulates the dumping of materials into ocean waters. It prevents, or restricts, dumping of materials that would degrade or endanger human health, welfare, or amenities, or the marine environment, ecological systems, or</p>

Table 3-3. Regulatory Framework Relevant to the BBGHAD's Broad Beach Restoration Project

	Sanctuary Act of 1972 (33 USC 1401-1445, 2801-2805; 16 USC 1431-1447f)	economic potentialities. The Act provides for a permitting process to control the ocean dumping of dredged material. The Act also establishes the marine sanctuaries program, which designates certain areas of the ocean waters as sanctuaries in order to preserve or restore these areas for their conservation, recreational, ecological, or aesthetic values.
U.S.	Migratory Bird Treaty Act (MBTA) (16 USC 703-712)	The MBTA was enacted to ensure the protection of shared migratory bird resources. 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. The responsibilities of Federal agencies to protect migratory birds are set forth in EO 13186. The USFWS is the lead agency for migratory birds. The USFWS issues permits for takes of migratory birds for activities such as scientific research, education, and depredation control, but does not issue permits for incidental take of migratory birds.
U.S.	Rivers and Harbors Act (33 USC 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). Under Section 10 of the Act, the building of any wharf, pier, jetty, or other structure is prohibited without Congressional approval, and excavation or fill within navigable waters requires approval from the USACE.
U.S.	Other Federal	<ul style="list-style-type: none"> · Bald and Golden Eagle Protection Act (16 USC 668-668c) prohibits anyone from taking, possessing, or transporting a bald eagle or golden eagle or the parts, nests, or eggs of such birds without prior authorization. · Executive Order 13158 requires Federal agencies to identify actions that affect natural or cultural resources within a Marine Protected Area (MPA) and, in taking such actions, to avoid harm to the natural and cultural resources that are protected by a MPA.
CA	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 California Department of Fish and Wildlife (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 the requirements of the CESA, 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 potentially significant impact on such species. In addition, 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)).
CA	California Marine Life Protection Act (MLPA) (Fish & G. Code, §§ 2850–2863)	Passed by the State Legislature in 1999, the MLPA required the CDFW to redesign its system of MPAs to increase its coherence and effectiveness at protecting the state's marine life, habitats, and ecosystems. For the purposes of MPA planning, a public-private partnership commonly referred to as the MLPA Initiative was established, and the State was split into five distinct regions (four coastal and the San Francisco Bay) each of which had its own MPA planning process. All four coastal regions have completed these individual planning processes. As a result the coastal portion of California's MPA network is now in effect statewide. Options for a planning process in the San Francisco Bay have been developed for consideration at a future date. California Fish and Game Code, section 2862

Table 3-3. Regulatory Framework Relevant to the BBGHAD’s Broad Beach Restoration Project

		(Adverse Impacts in Analysis of Projects) gives the CDFW discretion to make recommendations to avoid or fully mitigate any impacts inconsistent with the goals and guidelines of Chapter 10.5 (MLPA) or the objectives of the MPA.
CA	Lake and Streambed Alteration Program (Fish & G. Code, §§ 1600-1616)	The CDFW regulates activities that would interfere with the natural flow of, or substantially alter, the channel, bed, or bank of a lake, river, or stream. These regulations require notification of the CDFW for lake or stream alteration activities. If, after notification is complete, the CDFW determines that the activity may substantially adversely affect an existing fish and wildlife resource, the CDFW has authority to issue a Streambed Alteration Agreement.
CA	Other relevant California Fish and Game Code sections	<ul style="list-style-type: none"> • The California Native Plant Protection Act (Fish & G. Code, § 1900 et seq.) is intended to preserve, protect, and enhance endangered or rare native plants in California. This Act includes provisions that prohibit the taking of listed rare or endangered plants from the wild and a salvage requirement for landowners. The Act directs the CDFW to establish criteria for determining what native plants are rare or endangered. 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 California Species Preservation Act (Fish & G. Code §§ 900-903) provides for the protection and enhancement of the amphibians, birds, fish, mammals, and reptiles of California. • Sections 3503 & 3503.5 prohibit the taking and possession of native birds’ nests and eggs from all forms of needless take. These regulations also 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.” Fully protected 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.
CA	Coastal Act (see also above)	<ul style="list-style-type: none"> • Section 30230 states: 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 addresses biological productivity and water quality. • Section 30233, which applies in part to development activities within or affecting wetlands and other sensitive areas among other requirements, identifies eight allowable uses, requires that the proposed project be the least environmentally damaging feasible alternative, and where applicable, requires feasible and appropriate mitigation. • Section 30240 states: (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.

Table 3-3. Regulatory Framework Relevant to the BBGHAD's Broad Beach Restoration Project

Marine Water Quality (Section 3.5)		
U.S.	Clean Water Act (CWA) (33 USC 1251 et seq.)	The CWA is a comprehensive piece of legislation that generally includes reference to the Federal Water Pollution Control Act of 1972, and its substantial supplementation by the CWA of 1977. Both Acts were subsequently amended in 1981, 1987, and 1993. Overall, the CWA 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 U.S. EPA and enforced in California by the SWRCB and nine Regional Water Quality Control Boards (RWQCBs). The CWA also provides for development of municipal and industrial wastewater treatment standards and a permitting system to control wastewater discharges to surface waters. Under CWA section 404, the USACE has primary Federal responsibility for administering regulations that concern waters of the U.S. wetlands, which are defined as those areas that are inundated or saturated by surface or groundwater at a frequency and duration that are sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.
U.S.	Rivers & Harbors Act	See above under Biological Resources—Marine and Terrestrial (Sections 3.3 and 3.4)
U.S.	California Toxics Rule (40 Code of Federal Regulations [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 the State of California. USEPA promulgated this rule based on the Administrator's determination that the numeric criteria are necessary in the State of California to protect human health and the environment. (Under CWA 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 criteria have been adopted by the State; together with State-adopted designated uses, they satisfy CWA requirements for the establishment of water quality standards for California inland surface waters, enclosed bays, and estuaries.
CA	Porter-Cologne Water Quality Control Act (Cal. Water 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 responsibility for protecting State water quality and the beneficial uses of State waters. Porter-Cologne also implements many provisions of the Federal CWA, such as the NPDES permitting program. Pursuant to the CWA Section 401, applicants for a Federal license or permit for activities that may result in any discharge to U.S. waters must seek a Water Quality Certification (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. The LARWQCB issues or denies certification for discharges within the Project Area. If the LARWQCB imposes a condition on its Certification, those conditions must be included in the Federal permit or license. Of note, 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. Applicable Water Quality Control Plans for the Project include: <ul style="list-style-type: none"> • The California Ocean Plan establishes water quality objectives for ocean waters and identifies applicable beneficial uses of marine waters and sets narrative and numerical water quality objectives to protect beneficial uses. • Water Quality Control Plan (Basin Plan). Porter-Cologne (§ 13240) requires each RWQCB to formulate and adopt

Table 3-3. Regulatory Framework Relevant to the BBGHAD’s Broad Beach Restoration Project

		a Basin Plan for all areas within the Region. The LARWQCB (2007a) Basin Plan covers the coastal watersheds of Los Angeles and Ventura Counties. The Basin Plan designates specific beneficial uses for onshore surface water and offshore seawater within individual areas of the basin. The Basin Plan also sets water-quality objectives, subject to approval by the USEPA, intended to protect those beneficial uses. The water-quality objectives in the Basin Plan are written to apply to specific parameters (numeric objectives) and general characteristics of the water body (narrative objectives). An example of a narrative objective in the Basin Plan is the requirement that all waters must remain free of toxic substances in concentrations producing deleterious effects upon aquatic organisms.
CA	NPDES Storm Water Permits (Construction Activities)	The LARWQCB oversees 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 (BMPs) to control erosion, siltation, turbidity, and other contaminants associated with construction activities. The SWPPP would include BMPs to control or prevent the release of non-storm water discharges, such as crude oil, in storm water runoff.
CA	Coastal Act (see also above)	Coastal Act Section 30231 states 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. See also: Section 30232 (Oil and hazardous substance spills); Section 30233 (Diking, filling or dredging; continued movement of sediment and nutrients); and Section 30235 (Construction altering natural shoreline).
Scenic Resources (Section 3.6)		
CA	California Scenic Highway Program	The California Scenic Highway Program, managed by the California Department of Transportation, was created to preserve and protect scenic highway corridors from change that would diminish the aesthetic value of lands adjacent to highways. State highways identified as scenic, or eligible for designation, are listed in California Streets and Highways Code § 260 et seq.
CA	Coastal Act (see also above)	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.”
Air Quality and Greenhouse Gases (Section 3.7.1) – See also local regulations in Section 3.7.1		
U.S.	Federal Clean Air Act (FCAA) (42 United States Code [USC] 7401 et seq.)	The FCAA requires the USEPA to identify NAAQS to protect public health and welfare. National standards are established for O ₃ , CO, NO ₂ , SO ₂ , PM ₁₀ , PM _{2.5} , and Pb. In 2007, the U.S. Supreme Court ruled that CO ₂ is an air pollutant as defined under the FCAA, and that the USEPA has authority to regulate GHG emissions. Pursuant to the 1990 FCAA Amendments, USEPA classifies air basins (or portions thereof) as in “attainment” or “nonattainment” for each criteria air pollutant, based on whether or not the NAAQS are achieved; such classification is determined by comparing monitoring data with State and Federal standards.

Table 3-3. Regulatory Framework Relevant to the BBGHAD's Broad Beach Restoration Project

		<ul style="list-style-type: none"> · "Attainment" for a pollutant: the pollutant concentration is < the standard. · "Nonattainment" for a pollutant: the pollutant concentration > the standard. · "Unclassified" for a pollutant: Not enough data are available for comparisons.
CA	California Clean Air Act of 1988 (CCAA) (Assembly Bill [AB] 2595)	The CCAA requires all air districts in the State to endeavor to achieve and maintain State ambient air quality standards for O ₃ , CO, SO ₂ , NO ₂ , and PM. California's ambient air standards are generally stricter than national standards for the same pollutants; the State has also established standards for sulfates, H ₂ S, VC, and visibility-reducing particles. CARB sets air quality standards at levels to protect public health and welfare with an adequate margin of safety. The CAAQS describe adverse conditions; 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 O ₃ nonattainment areas into moderate, serious, severe, and extreme categories of pollutant levels to which progressively more stringent requirements apply.
CA	California Global Warming Solutions Act of 2006 (AB 32)	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 that is based on 1990 emissions levels. CARB (2009) has adopted the AB 32 Climate Change Scoping Plan (Scoping Plan), which contains the main strategies for California to implement to reduce CO ₂ e emissions by 169 million metric tons (MMT) from the State's projected 2020 emissions level of 596 MMT CO ₂ e under a business-as-usual scenario. The Scoping Plan breaks down the amount of GHG emissions reductions the CARB recommends for each emissions sector of the State's GHG inventory, but does not directly discuss GHG emissions generated by construction activities.
CA	Other Legislation/ Executive Orders (EOs)	<ul style="list-style-type: none"> · Pursuant to Senate Bill (SB) 97, the State Office of Planning and Research prepared guidelines for the feasible mitigation of GHG emissions or the effects of GHG emissions, which were adopted by the Natural Resources Agency and became effective in March 2010. These amendments to the State CEQA Guidelines establish a framework to address global climate change impacts in the CEQA process, and include revisions to the CEQA Environmental Checklist Form (Appendix G of the Guidelines) and the Energy Conservation Appendix (Appendix F of the Guidelines). A new section in the State CEQA Guidelines (§ 15064.4) provides an approach to assessing impacts from GHGs. · EO S-01-07 set forth a low carbon fuel standard; the carbon intensity of California's transportation fuels is to be reduced by at least 10 percent by 2020. · EO S-3-05 established statewide GHG emission targets of reducing emissions to 2000 levels by 2010, to 1990 levels by 2020, and to 80 percent below the 1990 level by 2050.
CA	Coastal Act (see also above)	Coastal Act section 30253, subdivision (c) requires that new development shall be consistent with requirements imposed by an air pollution control district or the CARB as to each particular development.
CA	Other	<ul style="list-style-type: none"> · Under California's Diesel Fuel Regulations, diesel fuel used in motor vehicles is limited to 15 ppm starting in 2009. · CARB's Heavy Duty Diesel Truck Idling Rule (Cal. Code Regs., tit. 13, § 2485) prohibits heavy-duty diesel trucks from idling for longer than 5 minutes at a time (except while queuing, provided the queue is located beyond 100 feet from any homes or schools). · The Statewide Portable Equipment Registration Program establishes a uniform program to regulate portable engines/engine-driven equipment units.

Table 3-3. Regulatory Framework Relevant to the BBGHAD’s Broad Beach Restoration Project

Traffic and Parking (Section 3.7.2)		
CA	California Department of Transportation (Caltrans)	Caltrans is responsible for the design, construction, maintenance, and operation of the California State Highway System, including PCH. Chapter 2, Article 3 of the Vehicle Code defines the powers and duties of the California Highway Patrol, which has enforcement responsibilities for the vehicle operation and highway use in the State. PCH provides the main vehicle access to the Project area. Maximum load limits for trucks and safety requirements for oversized vehicles are generally regulated by Caltrans for operation on highways.
Cultural and Paleontological Resources (Section 3.7.3)		
U.S.	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 the 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...."
U.S.	Archaeological Resources Protection Act (ARPA)	The ARPA states that archaeological resources on public or Indian lands are an accessible and irreplaceable part of the nation's heritage and: <ul style="list-style-type: none"> · 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. ARPA has both enforcement and permitting components. The enforcement provision provides for the imposition of both criminal and civil penalties against violators of the Act. The ARPA's permitting component allows for recovery of certain artifacts consistent with the standards and requirements of the NPS's Federal Archeology Program.
U.S.	National Historic Preservation Act (NHPA) (16 USC 470 et seq.)	This applies only to Federal undertakings. Archaeological resources are protected through the NHPA, as amended, and its implementing regulation, Protection of Historic Properties (36 CFR 800), the AHPA, and the ARPA. 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. Under the NHPA,

Table 3-3. Regulatory Framework Relevant to the BBGHAD's Broad Beach Restoration Project

		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 USC 470w [5]).
U.S.	Omnibus Public Land Management Act of 2009 - Public Law 111-11 (123 Stat. 991)	Public Law 111-011 at title VI, subtitle D lays out statutory requirements for Paleontological Resources Preservation (PRP). PRP provides definitions but requires the definition of some terms, and uses other terms and concepts that need further definition or details to clarify intent or enforcement. PRP identifies management requirements, collection requirements, curation requirements, need for both criminal and civil penalties, rewards and forfeiture, and the need for confidentiality of some significant resource locations. PRP at section 6310 also states that "As soon as practical after the date of enactment of this Act, the Secretary shall issue such regulations as are appropriate to carry out this subtitle, providing opportunities for public notice and comment."
CA	Coastal Act (see also above)	Coastal Act 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.
CA	Public Resources Code section 5097.5	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."
CA	Health and Safety Code § 7050.5	This code states that if human remains are exposed during construction, no further disturbance shall occur until the County Coroner has made the necessary findings as to origin and disposition pursuant to Public Resources Code section 5097.998. 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 will contact most likely descendants, who may recommend how to proceed.
Noise (Section 3.7.4)		
CA	California Streets and Highways Code & Government Code	Section 216 (Control of Freeway Noise in School Classrooms) requires, in general, that Caltrans abate noise to 55 dBA, L ₁₀ , or 52 dBA, L _{eq} or less. In Government Code, section 65302, Caltrans is also required to provide cities and counties with a noise contour map along State highways. The State Motor Vehicle Code includes regulations related to the use of vehicles that do not meet specified noise limits.
CA	Other	State regulations for limiting population exposure to physically and/or psychologically significant noise levels include established guidelines and ordinances for roadway noise under Caltrans and the now defunct California Office of Noise Control. Office of Noise Control land use compatibility guidelines provided the following: An exterior noise level of 60 to 65 dBA CNEL is considered "normally acceptable" for residences; a noise level of 70 dBA CNEL is considered to be "conditionally acceptable" (i.e., the upper limit of "normally acceptable" noise levels for sensitive uses such as schools, libraries, hospitals, nursing homes, churches, parks, offices, and commercial/professional businesses); and a noise level of greater than 75 dBA CNEL is considered "clearly unacceptable" for residences.
Public Health and Safety Hazards (Section 3.7.5)		
CA	California Health and Safety Code	· <i>Hazardous Material Release Response Plans and Inventory Law (Chapter 6.95)</i> . This law 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. Also, all hazardous materials must be stored in a safe manner. Both the Release Response Plan and the Hazardous Materials Inventory must be supplied to the Certified Unified Program Agency (CUPA) for the program. In this case, the CUPA is the Santa

Table 3-3. Regulatory Framework Relevant to the BBGHAD’s Broad Beach Restoration Project

		<p>Barbara County Fire Department (SBCFD).</p> <ul style="list-style-type: none"> · <i>Hazardous Waste Control Law (Chapter 6.5 and California Code of Regulations, Titles 22 and 26)</i>. This is the basic hazardous waste law for California. It establishes the criteria for defining hazardous waste, and its safe handling, storage, treatment, and disposal. The law is designed to provide cradle-to-grave management of hazardous wastes and reduce the occurrence and severity of hazardous materials releases. California regulates the management of hazardous wastes through the Health and Safety Code Chapter 6.5, sections 25100, et seq., and through the California Code of Regulations, Title 22, Environmental Health Standards for the Management of Hazardous Wastes, as well as California Code of Regulations, Title 26, Toxics.
CA	Coastal Act (see also above)	<p>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.”</p>
Utilities and Service Systems (Section 3.7.6)		
CA	Coastal Act (see also above)	<ul style="list-style-type: none"> · Section 30254 states: 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. · Section 30254.5 states in part: Notwithstanding any other provision of law, the commission may not impose any term or condition on the development of any sewage treatment plant which is applicable to any future development that the commission finds can be accommodated by that plant consistent with this division....
Environmental Justice (Section 3.7.7)		
U.S.	Federal Executive Order (EO) 12898	<p>On February 11, 1994, President Clinton issued an “Executive Order on Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations” (EO 12898). This EO was designed to focus attention on environmental and human health conditions in areas of high minority populations and low-income communities, and promote non-discrimination in programs and projects substantially affecting human health and the environment (White House 1994). The EO requires Federal agencies (as well as State agencies receiving Federal funds) to identify and address any disproportionately high and adverse human health or environmental effects of their programs, policies, and activities on minority and/or low-income populations.</p>
CA	CSLC	<p>The CSLC has adopted an Environmental Justice Policy to ensure consideration of environmental justice as part of CSLC processes, decisions, and programs. The policy stresses equitable treatment of all members of the public and commits to consider environmental justice in its processes, decision-making, and regulatory affairs. It is implemented, in part, through identification of, and communication with, relevant populations that could be adversely and disproportionately affected by CSLC projects or programs, and by ensuring that a range of reasonable alternatives is identified to minimize or eliminate environmental issues affecting such populations.</p>