

APPENDIX A

Abridged List of Major Federal and State Laws, Regulations, and
Policies Potentially Applicable to the Project

Appendix A in this Mitigated Negative Declaration identifies the major **Federal and State** laws, regulations and policies (local/regional are presented in each issue area chapter) that are potentially applicable to the Project, organized by issue area in the order provided in the State California Environmental Quality Act Guidelines Appendix G (http://resources.ca.gov/ceqa/guidelines/Appendix_G.html).

Frequently Used Abbreviations (see also List of Abbreviations and Acronyms in Table of Contents)	
§	section
°C	degrees Celsius
°F	degrees Fahrenheit
AB	Assembly Bill
BCDC	San Francisco Bay Conservation and Development Commission
Caltrans	California Department of Transportation
CARB	California Air Resources Board
CDFW	California Department of Fish and Wildlife
CEQA	California Environmental Quality Act
CFR	Code of Federal Regulations
CSFM	California State Fire Marshal
CSLC	California State Lands Commission
CWA	Clean Water Act
CZMA	Coastal Zone Management Act
DOT	U.S. Department of Transportation
EO	Executive Order
FERC	Federal Energy Regulatory Commission
FR	Federal Register
nm	nautical mile
NMFS	National Marine Fisheries Service
NOAA	National Oceanic and Atmospheric Administration
NPS	National Park Service
OSPR	Office of Spill Prevention and Response (CDFW)
RWQCB	Regional Water Quality Control Board
SB	Senate Bill
SWRCB	State Water Resources Control Board
USACE	U.S. Army Corps of Engineers
USC	U.S. Code
USCG	U.S. Coast Guard
USEPA	U.S. Environmental Protection Agency
USFWS	U.S. Fish and Wildlife Service

MULTIPLE ENVIRONMENTAL ISSUES

Multiple Environmental Issues (Federal)	
Coastal Zone Management Act (CZMA) (42 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 and BCDC coordinate California's federally approved CMPs and federal consistency reviews within their respective jurisdictions.

Multiple Environmental Issues (State)	
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.
CSLC and the Public Trust Doctrine	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 United States 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 3-nm-wide section of tidal and submerged land 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.
McAteer-Petris Act (Gov. Code, § 66600 et seq.)	The McAteer-Petris Act of 1965 established the BCDC as the agency responsible for protection of San Francisco Bay's critical and sensitive shoreline areas and for implementing the McAteer-Petris Act. The Act directs BCDC to exercise its authority to issue or deny permit applications for placing fill, dredging, or changing the use of any land, water, or structure within the area of its jurisdiction (the Bay waters and 100 feet inland from the line of highest tidal action) to protect marshes, wetlands, certain other waterways and marshes, and other resources. Pursuant to the requirements of the McAteer-Petris Act, BCDC developed several plans, including the San Francisco Bay Plan, which provides the policies and maps that guide protection and the development of the bay and shoreline within BCDC's jurisdiction, and the Suisun Marsh Protection

Multiple Environmental Issues (State)	
	Plan to preserve and enhance the quality and diversity of the Suisun Marsh aquatic and wildlife habitats and to assure retention of upland areas adjacent to the Marsh in uses compatible with its protection.

AESTHETICS / VISUAL RESOURCES

Aesthetics/Visual Resources (State)	
San Francisco Bay Plan	The Bay Plan provides BCDC policies on Appearance, Design, and Scenic Views around the Bay. Several of these policies are to ensure and maintain the visual quality around the Bay.
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 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.

AGRICULTURE AND FORESTRY RESOURCES

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. Generally, any commercial agricultural use would be permitted within any agricultural preserve. Local governments may also identify compatible uses permitted with a use permit.

AIR QUALITY

Air Quality (Federal)	
Federal Clean Air Act (FCAA) (42 USC 7401 et seq.)	<p>The FCAA requires the USEPA 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 (PM₁₀ and PM_{2.5}), 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 USEPA 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. USEPA 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:</p> <ul style="list-style-type: none"> • “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. <p>In 2007, the U.S. Supreme Court ruled that carbon dioxide (CO₂) is an air pollutant as defined under the FCAA, and that the USEPA has authority to regulate greenhouse gas emissions.</p>

Air Quality (State)	
California Clean Air Act of 1988 (CCAA) (AB 2595)	The CCAA requires all air districts in the State to endeavor to 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 (pollutants that result in harmful health effects, but are not specifically addressed by air quality standards) through the use of air toxic control measures.
Air Toxics Hot Spots Information and Assessment Act (Health & Saf. Code, § 44300 et seq.)	The Air Toxics Hot Spots Information and Assessment Act provides for the regulation of over 200 toxic air contaminants, including diesel particulate matter. Under the act, local air districts may request that a facility account for its toxic air contaminant emissions. Local air districts then prioritize facilities on the basis of emissions, and high priority designated facilities are required to submit a health risk assessment and communicate the results to the affected public.
Other	<ul style="list-style-type: none"> • Health and Safety Code sections 25531-25543 (SB 1889) 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. • Under California’s Diesel Fuel Regulations, diesel fuel used in motor vehicles and harbor craft is limited to 15 parts per million (ppm) sulfur. • CARB’s Heavy Duty Diesel Truck Idling Rule prohibits heavy-duty diesel trucks from idling for longer than 5 minutes at a time (idling for longer than 5 minutes while queuing is allowed if the queue is located more than 100 feet of a home or school). • The Statewide Portable Equipment Registration Program (PERP) establishes a uniform program to regulate portable engines/engine-driven equipment units. Once registered in the PERP, engines and equipment units may operate throughout California without the need to obtain individual permits from local air districts.

BIOLOGICAL RESOURCES

Biological Resources (Federal)	
Federal 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. 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.</p> <ul style="list-style-type: none"> • 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

Biological Resources (Federal)	
	<p>normal behavior patterns that include, but are not limited to, breeding, feeding, or sheltering.”</p> <ul style="list-style-type: none"> • 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 the state and federal agencies responsible for fish and wildlife management (e.g., USFWS, CDFW, and NOAA). The Act allows for recommendations addressing adverse impacts associated with a proposed project, and for mitigating or compensating for impacts on fish and wildlife.
Magnuson-Stevens Fishery Conservation and Management Act (MSA) (16 USC 1801 et seq.)	The MSA governs marine fisheries management in 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.
Marine Mammal Protection Act (MMPA) (16 USC 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 United States (including territorial seas) 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.
Migratory Bird Treaty Act (MBTA) (16 USC 703-712)	The MBTA was enacted to ensure the protection of shared migratory bird resources. It 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 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.
National Invasive Species Act (NISA) (33 CFR, Part 151, Subpart D)	NISA (originally passed in 1990 as the Nonindigenous Aquatic Nuisance Prevention and Control Act [16 USC 4701-4751] and reauthorized, renamed and expanded in 1996) is the U.S.’s chief protection against new aquatic invaders. The Act recognizes the global movement of aquatic species, particularly those that arrive in ballast water, authorized important research, and linked results of the research to decisions to the necessity of further ballast water regulation. Under its provisions, the USCG requires ballast water management (i.e., ballast water exchange) for vessels entering U.S. waters from outside the 200 nm U.S. Exclusive Economic Zone. The original Act was established to: (1) prevent unintentional introduction and dispersal of nonindigenous species into Waters of the United States 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)	
Federal Executive Orders (EO)	<ul style="list-style-type: none"> • 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 in a cost-effective and environmentally sound manner, and provide for restoration of native species and habitat conditions in invaded ecosystems. The EO establishes the Invasive Species Council, which is responsible for the preparation and issuance of the National Invasive Species Management Plan, which 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	<ul style="list-style-type: none"> • CWA and Rivers and Harbors Act. (See Hydrology and Water Quality.) • CZMA. (See Multiple Environmental Issues.) • The 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. • The Estuary Protection Act (16 USC 1221-1226) authorizes the Secretary of the Interior to enter into cost-sharing agreements with states and subdivisions for permanent management of estuarine areas in their possession. Federal agencies must assess the impacts of commercial and industrial developments on estuaries.

Biological Resources (State)	
California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.)	<p>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 potentially 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)).</p>
Lake and Streambed Alteration Program (Fish & G. Code, §§ 1600-1616)	<p>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.</p>

Biological Resources (State)	
Marine Invasive Species Act (MISA) (Assembly Bill [AB] 433)	Originally passed in 2003 and amended several times, the purpose of MISA was to move towards eliminating the discharge of non-indigenous 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 over 300 gross registered tons, U.S. and foreign, carrying ballast water into the waters of the state after operating outside the waters of the State. For all vessels over 300 gross register tons 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 Report Form upon departure from each port of call in California, annual submittal of a 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 the vessel owners/operators and not the responsibility of marine terminals.
Other relevant California Fish and Game Code sections	<ul style="list-style-type: none"> • Sections 900-903 (California Species Preservation Act) provide for the protection and enhancement of amphibians, birds, fish, mammals, and reptiles. • Section 1900 et seq. (California Native Plant Protection Act) 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. • Sections 3503 & 3503.5 prohibit the taking 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.
Other	<ul style="list-style-type: none"> • McAteer-Petris Act. (See Multiple Environmental Issues.) • Suisun Marsh Preservation Act. (<i>See Land Use and Planning.</i>) • Lempert-Keene-Seastrand Oil Spill Prevention and Response Act. (<i>See Hazards and Hazardous Materials.</i>) • California Aquatic Invasive Species Management Plan, produced by the CDFW, provides a framework for agency coordination and identifies actions to minimize the harmful effects of aquatic invasive species. • California Noxious and Invasive Weed Action Plan, produced by the California Department of Food and Agriculture, serves to protect and enhance the California economy, natural environment, and citizen safety through awareness, cooperation, and action in the prevention and control of noxious and invasive weeds. • California Wetlands Conservation Policy is that there shall be no net loss of wetland acreage and a long-term gain in the quantity, quality, and permanence of California's wetlands. • Delta Smelt Action Plan of 2005, produced by the Department of Water Resources and CDFW, is a 14-point program of scientific research activities and studies to identify and understand the causes of the Pelagic Organism Decline, and other actions to benefit the species.

**CULTURAL AND PALEONTOLOGICAL RESOURCES /
TRADITIONAL CULTURAL PROPERTIES / SACRED SITES**

Cultural Resources (Federal)	
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...."
Archaeological Resources Protection Act (ARPA)	<p>The ARPA states that archaeological resources on public or Indian lands are an accessible and irreplaceable part of the nation’s heritage and:</p> <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. <p>The ARPA’s 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 NPS Federal Archeology Program standards and requirements.</p>
Federal Executive Orders (EO)	<ul style="list-style-type: none"> • EO 13007, Indian Sacred Sites, 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) • 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.
National Historic Preservation Act (NHPA) (16 USC 470 et seq.) (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

Cultural Resources (Federal)	
	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]).
National Park Service Abandoned Shipwreck Act of 1987 (43 USC 2101–2106).	Under this Act, states have the responsibility for management of living and nonliving resources in State waters and submerged lands, including certain abandoned shipwrecks that have been deserted and to which the owner has relinquished ownership rights with no retention. The NPS has issued guidelines that are intended to: maximize the enhancement of cultural 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. Specific provisions of the Act's guidelines include procedures for locating and identifying shipwrecks, methods for determining which shipwrecks are historic, and preservation and long-term management of historic shipwrecks.
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."

Cultural Resources (State)	
AB 52 (Gatto, Stats. 2014, Ch. 532)	AB 52 (effective July 1, 2015) adds sections 21073, 21074, 21080.3.1, 21080.3.2, 21082.3, 21083.09, 21084.2, and 21084.3 to CEQA, relating 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.
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)). The criteria for eligibility for the CRHR are modeled after National Register of Historic Places (NRHP) criteria (Pub. Resources Code, § 5024.1(b)) 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, and/or Federal level under one or more of the following criteria (see State CEQA Guidelines, § 15064.5, subd. (a)(3)): <ul style="list-style-type: none"> • 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

Cultural Resources (State)	
	<p>construction, or represents the work of an important creative individual, or possesses high artistic values.</p> <ul style="list-style-type: none"> • Has yielded, or may be likely to yield, information important in prehistory or history. <p>A resource eligible for the CRHR must meet one of the criteria of significance described 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. It is possible that an historic resource may not retain sufficient integrity to meet the criteria for listing in the NRHP, but it 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)).</p>
CEQA (Pub. Resources Code, § 21000 et seq.)	<p>As CEQA lead agency, the CSLC is responsible for complying with all CEQA and State CEQA Guidelines provisions relating to “historical resources.” A historical resource includes: (1) a resource listed in, or eligible for listing in, the California Register of Historic Resources (CRHR); (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.</p>
Other	<ul style="list-style-type: none"> • Health and Safety Code section 7050.5 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. • 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 spells out regulations 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. • Public Resources Code section 5097.98 states protocol for notifying the most likely descendent from the deceased if human remains are determined to be Native American in origin. It also provides mandated measures for appropriate treatment and disposition of exhumed remains. • Executive Order 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.

GEOLOGY AND SOILS

Geology and Soils (Federal/International)	
Uniform Building Code (UBC)	<p>The UBC designates and ranks regions of the United States, according to their seismic hazard potential, as Seismic Zones 1 through 4, with Zone 1 having the least seismic potential and Zone 4 having the highest seismic potential.</p>
International Building Code (IBC)	<p>The IBC sets design standards to accommodate a “maximum considered earthquake” or MCE, based on a project’s regional location, site characteristics, and other factors.</p>

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 (CBC) (Cal. Code Regs., tit. 23)	The State of California provides a minimum standard for building design through the CBC, which is based on the UBC, but has been modified for conditions unique to California. The CBC is selectively adopted by local jurisdictions, based on local conditions. The CBC 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.
Seismic Hazards Mapping Act (Pub. Resources Code, § 2690) & Mapping Regulations (Cal. Code Regs., tit. 14, Div. 2, Ch. 8, Art. 10).	These regulations were promulgated for the purpose of promoting 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. Special Publication 117, <i>Guidelines for Evaluating and Mitigating Seismic Hazards in California</i> (California Division of Mines and Geology [CDMG] 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.

GREENHOUSE GAS EMISSIONS AND CLIMATE CHANGE

Greenhouse Gas Emissions and Climate Change (Federal & International)	
Federal Clean Air Act (FCAA) (42 USC 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 USEPA has authority to regulate GHG emissions.
Mandatory Greenhouse Gas Reporting (74 FR 56260)	On September 22, 2009, the USEPA issued the Mandatory Reporting of Greenhouse Gases Rule, which requires reporting of GHG data and other relevant information from large sources and suppliers 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). Implementation of Part 98 is referred to as the GHG Reporting Program (GHGRP). The gases covered by the GHGRP are CO ₂ , methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, sulfur hexafluoride, and other fluorinated gases including nitrogen trifluoride and hydrofluorinated ethers.
Kyoto Protocol	On March 21, 1994, the Kyoto Protocol was signed. The Kyoto Protocol was a treaty made under the United Nations Framework Convention on Climate Change, and was the first international agreement to regulate GHG emissions. 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. Although the U.S. is a signatory to the Kyoto Protocol, Congress has not ratified it, therefore the U.S. is not bound by the Protocol's commitments.

Greenhouse Gas Emissions and Climate Change (Federal & International)	
Paris Climate Agreement	In December 2015, the Paris Climate Agreement (Agreement) was endorsed and adopted by 195 countries. The overarching goal was to reduce pollution levels so that the rise in global temperatures is limited to no more than 2 °C (3.6 °F). The Agreement also contains language urging that the increase be limited even further to 1.5 °C (2.7 °F), if possible. The Agreement includes voluntary commitments from 186 of the 195 signatories, including the U.S., to cut or limit the growth of their GHG emissions. The signatories agreed to convene every 5 years to take stock, revisit their pledges, and steadily increase them to achieve the 2 °C goal. The new agreement also requires regular and transparent reporting of every country's carbon reductions and identifies a goal of mobilizing \$100 billion per year in support of developing countries by 2020 through 2025, with a new, higher goal to be set after 2025.

Greenhouse Gas Emissions and Climate Change (State)	
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 equivalent (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 CARB recommends for each emissions sector of the State's GHG inventory, but does not directly discuss GHG emissions generated by construction activities.
AB 1493	In 2002, with the passage of AB 1493, California launched an innovative and proactive approach to dealing with GHG emissions and climate change at the state level. AB 1493 requires CARB to develop and implement regulations to reduce automobile and light truck GHG emissions. These stricter emissions standards were designed to apply to automobile and light trucks beginning with the model year 2009. Although litigation challenged these regulations and the USEPA initially denied California's related request for a waiver, the waiver request was granted (USEPA 2010c).
SB 97	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.
SB 350	The 2015 Clean Energy and Pollution Reduction Act was signed into law on October 10, 2015, and 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 a doubling of statewide energy efficiency savings in electricity and natural gas by retail customers be achieved by January 1, 2030.
SB 375	SB 375 (effective January 1, 2009) requires CARB to develop regional reduction targets for GHG emissions, and prompted the creation of regional land use and transportation plans to reduce emissions from passenger vehicle use throughout the State. The targets apply to the regions covered by California's 18 metropolitan planning organizations (MPOs). The 18 MPOs must develop regional land use and transportation plans and demonstrate an ability to attain the proposed reduction targets by 2020 and 2035.

Greenhouse Gas Emissions and Climate Change (State)	
State Executive Orders (EOs)	<ul style="list-style-type: none"> • EO B-30-15 (Governor Brown, April 2015) established a new interim statewide GHG emission reduction target to reduce GHG emissions to 40 percent below 1990 levels by 2030 in order 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-01-07 (Governor Schwarzenegger, January 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, June 2005) directed the state to reduce GHG emissions to 2000 levels by 2010, to 1990 levels by 2020, and to 80 percent below 1990 level by 2050.

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 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 Federal criteria are legally applicable in California for inland surface waters, enclosed bays, and estuaries.
Hazardous Liquid Pipeline Safety Act of 1979	This Act includes requirements for hazardous liquid pipelines, which fall under the jurisdiction of the DOT, including accident reporting, design, and construction requirements, and minimum requirements for hydrostatic testing, compliance dates, test pressures, and duration; and records.
National Oil and Hazardous Substances Pollution Contingency Plan (NCP) (40 CFR 300)	Authorized under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA: 42 USC 9605), as amended by the Superfund Amendments and Reauthorization Act of 1986 (SARA: Pub. L. 99-499); and by CWA section 311(d), as amended by the OPA (Pub. L. 101-380), the NCP outlines requirements for responding to oil spills and hazardous substance releases. It specifies compliance, but does not require preparation of a written plan, and provides a comprehensive system for reporting, spill containment, and cleanup. Per 40 CFR 300.175 and 40 CFR 300.120, the USCG has responsibility for oversight of regional response for oil spills in "coastal zones."
Oil Pollution Act (OPA) of 1990 (33 USC 2712)	The OPA requires owners and operators of facilities that could cause substantial harm to the environment to prepare and submit, and maintain up-to-date, plans for responding to worst-case discharges of oil and hazardous substances and for facilities and vessels to demonstrate that they have sufficient response equipment under contract to respond to and clean up a worst-case spill. The passage of the OPA motivated California to pass a more stringent spill response and recovery regulation and the creation of the OSPR to review and regulate oil spill plans and contracts. The OPA includes provisions to expand prevention and preparedness activities, improve response capabilities, provide funding for natural resource damage assessments, ensure that shippers and oil companies pay the costs of spills that do occur, and establish an expanded research and development program. Pursuant to a Memorandum of Understanding established to divide areas of responsibility, the USCG is responsible for tank vessels and marine terminals, the USEPA for tank farms, and the Research and Special Programs Administration for pipelines; each of these agencies has developed regulations for its area of responsibility. In addition, the Secretary of Interior is responsible for spill prevention, oil-spill contingency plans, oil-

Hazards and Hazardous Materials (Federal)	
	spill containment and clean-up equipment, financial responsibility certification, and civil penalties for offshore facilities and associated pipelines in all federal and State waters.
Resource Conservation and Recovery Act (RCRA) (42 USC 6901 et seq.)	The RCRA authorizes the USEPA to control hazardous waste from “cradle-to-grave” (generation, transportation, treatment, storage, and disposal). RCRA’s Federal Hazardous and Solid Waste Amendments from 1984 include waste minimization and phasing out land disposal of hazardous waste as well as 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 USC 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	<ul style="list-style-type: none"> • CWA. (See Hydrology and Water Quality.) • Hazardous Materials Transportation Act. (<i>See Transportation/Traffic.</i>) • 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. The USEPA is responsible for the National Contingency Plan and for developing regulations for SPCC plans and regulates disposal of recovered oil. • 40 CFR Parts 109, 110, 112, 113, and 114. The Spill Prevention Countermeasures and Control (SPCC) plans covered in these regulatory programs apply to oil storage and transportation facilities and terminals, tank farms, bulk plants, oil refineries, and production facilities, and bulk oil consumers (e.g., apartment houses, office buildings, schools, hospitals, government facilities). These regulations include minimum criteria for developing oil-removal contingency plans, prohibit discharge of oil such that applicable water quality standards would be violated, and address oil spill prevention and preparation of SPCC plans. They also establish financial liability limits and provide civil penalties for violations of the oil spill regulations. • 46 CFR parts 1 through 599 and Inspection and Regulation of Vessels (46 USC Subtitle II Part B) provide that all vessels operating offshore, including those under foreign registration, are subject to requirements applicable to vessel construction, condition, and operation. All vessels (including motorboats) operating in commercial service (e.g., passengers for hire, transport of cargoes, hazardous materials, and bulk solids) on specified routes (inland, near coastal, and oceans) 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 U.S. ships wherever located, to comply with International Convention for the Prevention of Pollution from Ships (MARPOL). • Convention on the International Regulations for Preventing Collisions at Sea establish “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. • Fire and Explosion Prevention and Control, National Fire Protection Agency (NFPA) Standards. • Safety and Corrosion Prevention Requirements — ASME, National Association of Corrosion Engineers (NACE), ANSI <ul style="list-style-type: none"> ○ ASME & ANSI B16.1 Cast Iron Pipe Flanges and Flanged Fittings; ○ ASME & ANSI B16.9, Factory-Made Wrought Steel Butt Welding Fittings; ○ ASME & ANSI B31.1a, Power Piping; ○ ASME & ANSI B31.4a, addenda to ASME B31.4a-1989 Edition, Liquid

Hazards and Hazardous Materials (Federal)	
	<p>Transportation Systems for Hydrocarbons, Liquid Petroleum Gas, Anhydrous Ammonia, and Alcohols;</p> <ul style="list-style-type: none"> ○ NACE Standard RP0190-95, Item No. 53071. Standard Recommended Practice External Protective Coatings for Joints, Fittings, and Valves on Metallic Underground or Submerged Pipelines and Piping Systems; and ○ NACE Standard RP0169-96, Item No. 53002. Standard Recommended Practice Control of External Corrosion on Underground or Submerged Metallic Piping Systems.

Hazards and Hazardous Materials (State)	
Lempert-Keene-Seastrand Oil Spill Prevention and Response Act (OSPRA; Gov. Code, § 8670.1 et seq., Pub. Resources Code, § 8750 et seq., and Rev. & Tax. Code, § 46001 et seq.)	The OSPRA and its implementing regulations seek to protect State waters from oil pollution and to plan for the effective and immediate response, removal, abatement, and cleanup in the event of an oil spill. The Act requires applicable operators to prepare and implement marine oil spill contingency plans and to demonstrate financial responsibility, and requires immediate cleanup of spills, following the approved contingency plans, and fully mitigating impacts on wildlife. The Act assigns primary authority to OSPR within the CDFW to direct prevention, removal, abatement, response, containment, and cleanup efforts with regard to all aspects of any oil spill in the marine waters of the State; the CSLC is also provided with authority for oil spill prevention from and inspection of marine facilities and assists OSPR with spill investigations and response. Notification is required to the Governor's State Office of Emergency Services, which in turn notifies the response agencies, of all oil spills in the marine environment, regardless of size. The Act also created the Oil Spill Prevention and Administration Fund and the Oil Spill Response Trust Fund. Pipeline operators pay fees into the first of these funds for pipelines transporting oil into the State across, under, or through marine waters.
Elder California Pipeline Safety Act of 1981 (Gov. Code, § 51010-51018) & California Code of Regulations, title 19, Public Safety	The California Pipeline Safety Act gives regulatory jurisdiction to the California State Fire Marshal (CSFM) for the safety of all intrastate hazardous liquid pipelines and all interstate pipelines used for the transportation of hazardous or highly volatile liquid substances. The law establishes the governing rules for interstate pipelines to be the Federal Hazardous Liquid Pipeline Safety Act and Federal pipeline safety regulations. Government Code sections 51010 through 51018 provide specific safety requirements that are more stringent than the Federal rules, including periodic hydrostatic testing of pipelines, pipeline leak detection, and a requirement that all leaks be reported. Recent amendments require that pipelines include leak prevention and cathodic protection, with acceptability to be determined by the CSFM. All new pipelines must be designed to accommodate the passage of instrumented inspection devices (i.e., smart pigs). Under California Code of Regulations, title 19, Public Safety, the CSFM develops regulations relating to fire and life safety. These regulations have been prepared and adopted to establish minimum standards for the prevention of fire and for protection of life and property against fire, explosion, and panic. The CSFM also adopts and administers the regulations and standards considered necessary under the California Health and Safety Code to protect life and property, including California Health and Safety Code sections 13160 (Portable Fire Extinguishers) and 13195 (Automatic Fire Extinguishers Systems).
Oil Pipeline Environmental Responsibility Act (Assembly Bill [AB] 1868)	This Act requires every pipeline corporation qualifying as a public utility and transporting crude oil in a public utility oil pipeline system to be held strictly liable for any damages incurred by "any injured party which arise out of, or caused by, the discharge or leaking of crude oil or any fraction thereof...." The law applies only to public utility pipelines for which construction would be completed after January 1, 1996, or that part of an existing utility pipeline that is being relocated after the above date and is more than 3 miles in length.

Hazards and Hazardous Materials (State)	
Other	<ul style="list-style-type: none"> • California Code of Regulations, title 22, division 4.5 regulates hazardous wastes and materials by the implementation of a Unified Program to ensure consistency throughout the state in administration requirements, permits, inspections, and enforcement through a Certified Unified Program Agency (CUPA). • Fire Code regulations (Cal. Code Regs, tit 24, part 9) state hazardous materials should be used and storage in compliance with the state fire codes. • Harbors and Navigation 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 State waters. • 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. • Hazardous Waste Control Act (Cal. Code Regs., tit. 26) defines requirements for proper management of hazardous materials. • Hazardous Waste Control Law (Health & Saf. Code, Ch. 6.5 & Cal. Code Regs., tit. 22 and 26) 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. • Health and Safety Code Regulations, titles 22 and 26: regulates the management of hazardous materials • Porter-Cologne Water Quality Control Act. (<i>See Hydrology and Water Quality.</i>) • Seismic Hazards Mapping Act and Seismic Hazards Mapping Regulations. (<i>See Geology and Soils.</i>)

HYDROLOGY AND WATER QUALITY

Hydrology and Water Quality (Federal)	
Federal Clean Water Act (33 USC 1251 et seq.)	<p>The CWA is comprehensive legislation (it generally includes reference to 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 SWRCB and nine RWQCBs. CWA sections include:</p> <ul style="list-style-type: none"> • <u>Section 401 (33 USC 1341)</u> 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 United States 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. USACE projects are required to obtain this certification. • <u>Section 402 (33 USC 1342)</u> establishes conditions and permitting for discharges of pollutants under the National Pollution Discharge Elimination System) (NPDES).

Hydrology and Water Quality (Federal)	
	<p>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 California's territorial limit (out to 3 nautical miles).</p> <ul style="list-style-type: none"> • <u>Section 404 (33 USC 1344)</u> authorizes the USACE to issue permits for the discharge of dredged or fill material into waters of the United States, including wetlands, streams, rivers, lakes, coastal waters or other water bodies or aquatic areas that qualify as waters of the United States.
Rivers and Harbors Act (33 USC 401)	<p>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). Specifically, it limits the construction of structures and the discharge of fill into navigable waters of the U.S. Under Section 10, the following activities require approval from the USACE or authorization from the Secretary of War:</p> <ul style="list-style-type: none"> • building of any wharf, pier, dolphin, boom, weir, breakwater, bulkhead, jetty, or other structures in any port, roadstead, haven, harbor, canal, or navigable river; • excavation or fill in any manner to alter or modify the course, location, condition, or capacity of, any port, roadstead, haven, harbor, canal, lake, harbor of refuge, or enclosure within the limits of any breakwater, or of any channel of any navigable waters of the U.S.
Other	<ul style="list-style-type: none"> • Oil Pollution Act (OPA). (See Hazards and Hazardous Materials.) • The Marine Plastic Pollution Research and Control Act prohibits the discharge of plastic, garbage, and floating wood scraps within 3 nm of land. Beyond 3 nm, garbage must be ground to less than one 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)	<p>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 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 CWA section 401, applicants for a federal license or permit for activities that may result in any discharge to waters of the United States 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:</p> <ul style="list-style-type: none"> • <u>Basin Plan</u>. 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.

Hydrology and Water Quality (State)	
	<ul style="list-style-type: none"> • The <u>California Ocean Plan</u> (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. • <u>Other water quality control plans</u> include: 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. <p>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 (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.</p>
Bay Protection and Toxic Cleanup Program Legislation	In 1989, the Legislature required the SWRCB to develop sediment quality objectives (SQOs) as part of a comprehensive program to protect beneficial uses in enclosed bays and estuaries. The objectives are required for toxic pollutants identified in toxic hot spots or as pollutants of concern by the SWRCB. In 2009, the SWRCB adopted SQOs and an implementation policy for bays and estuaries in the State (Part 1). Part 1 includes narrative SQOs for the protection of aquatic life and human health, identification of the beneficial uses that these objectives are intended to protect, and requirements for program of implementation. The SWRCB is proposing amendments to the Sediment Quality Plan for Enclosed Bays and Estuaries to incorporate additional SQOs for the protection of wildlife and finfish and implementation policy.
Fish and Game Code sections 1601 to 1603	Under these sections, CDFW must be notified prior to any project that would divert, obstruct, or change the natural flow, bed, channel, or bank of any river, stream, or lake. The term "stream" can include perennial, intermittent, and ephemeral streams; rivers; creeks; dry washes; sloughs; and watercourses with subsurface flows.
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.
Other sections	<ul style="list-style-type: none"> • 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

See also Multiple Environmental Issues for laws, regulations, and policies related to land use and planning.

Land Use and Planning (Federal)	
There are no major federal laws, regulations, and policies potentially applicable to this project	

Land Use and Planning (State)	
Nejedly-Bagley-Z'berg Suisun Marsh Preservation Act (Pub. Resources Code, §§ 29000-29612)	<p>In 1974, the California State Legislature enacted the Suisun Marsh Preservation Act to protect Suisun Marsh from urban development. The Suisun Marsh comprises approximately 85,000 acres of tidal marsh, managed wetlands, and waterways in southern Solano County. It is the largest remaining wetland near San Francisco Bay and includes more than 10 percent of California's remaining wetland area. The Marsh is also a wildlife habitat of nationwide importance. In 1976, BCDC developed the Suisun Marsh Protection Plan, which was designed to be a more specific application of the general, regional policies of the San Francisco Bay Plan and to supplement such policies where appropriate because of the unique characteristics of the Suisun Marsh. The Suisun Marsh Protection Plan states that its focus is on maintaining waterfowl habitat, but it also addresses the importance of tidal wetlands. The plan calls for the preservation of Suisun Marsh; preservation of waterfowl habitat; improvement to water distribution and levee systems; and encourages agriculture that is consistent with wildlife and waterfowl, such as grazing. The Legislature subsequently enacted the Suisun Marsh Preservation Act of 1977, which incorporates the findings and policies contained in the plan into state law, calls for the implementation of the Suisun Marsh Protection Plan and designates BCDC as the state agency with jurisdiction over Suisun Marsh. It also gives the Suisun Resource Conservation District local responsibility for water management on privately owned lands in the Marsh. A key issue of the Suisun Marsh Preservation Act and Suisun Marsh Protection Plan was the classification of two management areas within the Marsh. The Primary Management Area is made up of tidal marshes, seasonal marshes, managed wetlands and lowland grasslands and the Secondary Management Area is made up of upland grasslands and cultivated lands which serve as a buffer between the Primary Management Area and adjacent developed lands within the Secondary Management Area. Policies of the Suisun Marsh Protection Plan include:</p> <ul style="list-style-type: none"> • The diversity of habitats in the Suisun Marsh and surrounding upland areas should be preserved and enhanced wherever possible to maintain the unique wildlife resource. • The Marsh waterways, managed wetlands, tidal marshes, seasonal marshes, and lowland grasslands are critical habitats for marsh-related wildlife and are essential to the integrity of the Suisun Marsh. Therefore, these habitats deserve special protection. • Existing uses should continue in the upland grasslands and cultivated areas surrounding the critical habitats of the Suisun Marsh in order to protect the Marsh and preserve valuable marsh-related wildlife habitats. Where feasible, the value of the upland grasslands and cultivated lands as habitat for marsh-related wildlife should be enhanced. • The eucalyptus groves in and around the Marsh, particularly those on Joice and Grizzly Islands, should not be disturbed.
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

Land Use and Planning (State)	
	areas can be obtained through purchase or lease agreements. The Project area is currently operated in holdover status under agreement with the CSLC.
Other	<ul style="list-style-type: none"> • McAteer-Petris Act. (See Multiple Environmental Issues.) • Under California Code of Regulations, title 23, the Central Valley Flood Protection Board regulates specific river, creek, and slough crossings for flood protection: (1) new crossings must maintain hydraulic capacity through such measures as in-line piers, adequate stream bank height (freeboard), and measures to protect against stream bank and channel erosion, and (2) improvements, including crossings, must be constructed in a manner that does not reduce the channel's capacity or functionality, or that of any Federal flood control project.

MINERAL RESOURCES

Mineral Resources (Federal)	
CFR, Titles 10, 18, and 30	<ul style="list-style-type: none"> • 10 CFR addresses energy consumption and the Department of Energy. • 18 CFR addresses the Federal Energy Regulatory Commission (FERC). • 30 CFR establishes the Bureau of Ocean Energy Management (BOEM, formerly the MMS), which manages energy resources in the Federal OCS.

Mineral Resources (State)	
Surface Mining and Reclamation Act (SMARA) (Pub. Resources Code, §§ 2710-2796).	<p>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 Office 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.</p> <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. • 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.
Other	<ul style="list-style-type: none"> • Warren-Alquist Act, adopted in 1974 to encourage conservation of non-renewable energy resources.

NOISE

Noise (Federal)	
Noise Control Act (42 USC 4910)	<p>This Act required the USEPA to establish noise emission criteria, as well as 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. The USEPA published a guideline (USEPA 1974) containing recommendations for acceptable noise level limits affecting residential land use of 55 dBA L_{dn} for outdoors and 45 dBA L_{dn} for indoors.</p>

Noise (Federal)	
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 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 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.
Other	<ul style="list-style-type: none"> • Department of Housing and Urban Development Environmental Standards (24 CFR Part 51) sets forth exterior noise standards for new home construction (includes an interior noise level goal of 45 dBA with attenuation requirements to meet that goal): <ul style="list-style-type: none"> ○ 65 L_{dn} or less – Acceptable ○ 65 L_{dn} and < 75 L_{dn} – Normally unacceptable, appropriate sound attenuation measures must be provided ○ > 75 L_{dn} – Unacceptable • The FERC Guidelines on Noise Emissions from Compressor Stations, Substations, and Transmission Lines (18 CFR 157.206(d)(5)) and Federal Highway Administration Noise Abatement Procedures (23 CFR Part 772) are procedures for noise studies and noise abatement measures to protect public health and welfare, supply noise abatement criteria, and establish requirements for information to be given to local officials for use in highway planning and design. It establishes five categories of noise-sensitive receptors and prescribes the use of the Hourly L_{eq} as the criterion metric to evaluate traffic noise impacts.

Noise (State)	
Land Use Compatibility Guidelines from the now defunct California Office of Noise Control	<p>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 Caltrans and the now defunct California Office of Noise Control. Office of Noise Control land use compatibility guidelines provided the following:</p> <ul style="list-style-type: none"> • 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	<ul style="list-style-type: none"> • California Administrative Code, title 2, establishes CNEL 45 dBA as the maximum allowable indoor noise level resulting from exterior noise sources for multi-family residences. • California Administrative Code, title 4, which applies to airports operating under permit from the Caltrans Division of Aeronautics, defines a noise-impacted zone as any residential or other noise-sensitive use with CNEL 65 and above.

POPULATION AND HOUSING

Population and Housing (Federal)
There are no major federal laws, regulations, and policies potentially applicable to this project

Population and Housing (State)
There are no major state laws, regulations, and policies potentially applicable to this project

PUBLIC SERVICES

Public Services (Federal)	
CFR Title 29	<ul style="list-style-type: none"> • Under 29 CFR 1910.38, whenever an Occupational Safety and Health Administration (OSHA) standard requires one, an employer must have an Emergency Action Plan that must be in writing, kept in the workplace, and available to employees for review. An employer with 10 or fewer employees may communicate the plan orally to employees. Minimum elements of an emergency action plan include the following procedures: Reporting a fire or other emergency; emergency evacuation, including type of evacuation and exit route assignments; employees who remain to operate critical plant operations before they evacuate; account for all employees after evacuation; and employees performing rescue or medical duties • Under 29 CFR 1910.39, an employer must have a Fire Prevention Plan (FPP). A FPP must be in writing, be kept in the workplace, and be made available to employees for review; an employer with 10 or fewer employees may communicate the plan orally to employees. • Under 29 CFR 1910.155, Subpart L, Fire Protection, employers are required to place and keep in proper working order fire safety equipment within facilities.

Public Services (State)	
California Code of Regulations, title 19 (Public Safety)	Under this section, the CSFM develops regulations relating to fire and life safety. These regulations have been prepared and adopted to establish minimum standards for the prevention of fire and for protection of life and property against fire, explosion, and panic. The CSFM also adopts and administers regulations and standards necessary under the California Health and Safety Code to protect life and property.

RECREATION

Recreation (Federal)	
There are no major federal laws, regulations, and policies potentially applicable to this project	

Recreation (State)	
Other	• McAteer-Petris Act. (See Multiple Environmental Issues.)

TRANSPORTATION / TRAFFIC

Transportation / Traffic (Federal)	
Hazardous Materials Transportation Act (HMTA) (49 USC 5901)	The HMTA delegates authority to the DOT 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 USCG 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.

Transportation / Traffic (State)	
Caltrans	Caltrans 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. 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.

UTILITIES AND SERVICE SYSTEMS

Utilities and Service Systems (Federal)	
CFR Title 29	See Public Services.

Utilities and Service Systems (State)	
There are no major state laws, regulations, and policies potentially applicable to this project	

SOCIOECONOMICS AND ENVIRONMENTAL JUSTICE

Socioeconomics and Environmental Justice (Federal)	
Executive Order (EO) 12898	In 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.

Socioeconomics and Environmental Justice (State)	
CSLC	In 2002, the CSLC adopted an Environmental Justice Policy to ensure consideration of environmental justice as part of the CSLC’s processes, decisions, and programs (Calendar Item 63, April 9, 2002). 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. CSLC staff implements the Policy, 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 that would minimize or eliminate environmental issues affecting such populations.
State of California Commercial Fishing Laws and Licensing Requirements	Commercial fishing is regulated by a series of laws passed by the State Fish and Game Commission and issued each year in a summary document. Seasonal and gear restrictions within the various Fish and Game 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.