

Appendix - A

Applicable Federal and State Regulations Compendium

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APPENDIX A

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

Appendix A in this Environmental Impact Report identifies the major **Federal** and **State** laws, regulations and policies (local/regional are presented in each resource section in Chapter 3, *Environmental Impact Analysis*) that are potentially applicable to the Commercial Cannabis Cultivation and Manufacturing Regulations and Licensing Program (Program), organized by issue area in the order provided in the State California Environmental Quality Act (CEQA) Guidelines Appendix G (http://resources.ca.gov/ceqa/guidelines/Appendix_G.html).

Multiple Environmental Issues

Multiple Environmental Issues (Federal)	
Coastal Zone Management Act (CZMA) (42 USC sec. 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.
Medical Cannabis Regulation and Safety Act (MCRSA)	<p>The following three state bills comprise the Medical Cannabis Regulation and Safety Act, which contain limitations currently in effect, in addition to requirements of various state agencies to be implemented by January 1, 2017.</p> <p>Assembly Bill 266</p> <ul style="list-style-type: none"> • Enacts the Medical Cannabis Regulation and Safety Act for the licensure and regulation of medical cannabis and establishes within the Department of Consumer Affairs the Bureau of Medical Cannabis Regulation, under the supervision and control of the Director of Consumer Affairs. • Requires the Board of Equalization, in consultation with the Department of Food and Agriculture, to adopt a system for reporting the movement of commercial cannabis and cannabis products. • Provides that actions of licensees with the relevant local permits, in accordance with the act and applicable local ordinances, are not offenses subject to arrest, prosecution, or other sanction under State law. <p>Assembly Bill 243</p> <ul style="list-style-type: none"> • Appropriates funds to implement the Medical Cannabis Regulation and Safety Act. • Requires the Department of Food and Agriculture, the Department of Pesticide Regulation, the State Department of Public Health, the Department of Fish and

	<p>Wildlife, and the State Water Resources Control Board to promulgate regulations or standards relating to medical cannabis and its cultivation, as specified.</p> <ul style="list-style-type: none"> Requires various State agencies to take specified actions to mitigate the impact that cannabis cultivation has on the environment, and requires cities, counties, and their local law enforcement agencies to coordinate with State agencies to enforce laws addressing the environmental impacts of medical cannabis cultivation. <p>Senate Bill 643</p> <ul style="list-style-type: none"> Requires license applicants to furnish a full set of fingerprints to conduct criminal history record checks. Requires that the Department of Food and Agriculture administer the provisions of the act related to and associated with the cultivation and transportation of medical cannabis. The Department of Food and Agriculture, in consultation with the Bureau, shall establish a track and trace program for reporting the movement of medical cannabis items throughout the distribution chain that utilizes a unique identifier. It also establishes State cultivator license types. Requires the California Department of Public Health to oversee manufacturing and testing of medical cannabis. Requires the Governor to appoint a chief, subject to Senate confirmation, of the Bureau of Medical Cannabis Regulation, and requires the Department of Consumer Affairs to have the sole authority to create, issue, renew, discipline, suspend, or revoke licenses for the transportation and storage (unrelated to manufacturing) of medical cannabis, and would authorize the department to collect fees for its regulatory activities and impose related specified duties.
<p>California Health and Safety Code Chapter 6 (Sections 11362.7 – 11362.85) Medical Marijuana Program</p>	<p>This Program requires the Department of Food and Agriculture to establish a Medical Cannabis Cultivation Program to be administered by the secretary. “For purposes of this Section and Chapter 3.5 (commencing with Section 19300) of Division 8 of the Business and Professions Code, medical cannabis is an agricultural product.” However, the identification of medical cannabis as an agricultural product does not necessarily extend to other areas of the law. For example, cannabis is not yet specifically identified as an agricultural commodity with respect to local “right to farm” ordinances, though local “right to farm” ordinances may include cannabis as an agricultural commodity. Santa Cruz County does not make this distinction. Additionally, a person or entity is prohibited from cultivating medical cannabis without first obtaining both of the following: (1) A license, permit, or other entitlement, specifically permitting cultivation pursuant to these provisions, from the city, county, or city and county in which the cultivation will occur, followed by (2) a state license issued by the department pursuant to this section. Acceptance of applications must be rejected if the proposed cultivation of cannabis will violate the provisions of any local ordinance or regulation.</p>
<p>California Business and Professions Code Chapter 3.5 (Sections 19300 – 19360) – Medical Cannabis Regulation and Safety Act</p>	<p>These sections denote which agencies will oversee implementation of licensing at the state level and existing requirements of cultivation sites. For instance, applications for a license for both indoor and outdoor cultivation must identify the source of water supply, including consideration for existing requirements under the California Water Code – Title 24 and the Fish and Game Code – Title 14, including adherence to associated ordinances of the State Water Resources Control Board and the Department of Fish and Wildlife, including limitations on stream diversions and protection for sensitive species or habitats. Additionally, the Act requires the Department of Food and Agriculture to include State Water Code requirements in the within licensing requirements, to include in any license for cultivation any relevant mitigation requirements the Department of Food and Agriculture identifies as part of its approval of the final environmental documentation for the cannabis cultivation licensing program, and for the Department of Food and Agriculture to consult with the State Water Resources Control Board and the Department of Fish and Wildlife during implementation.</p>
<p>Office of Manufactured Cannabis Safety (OMCS)</p>	<p>The OMCS was established in the Center for Environmental Health under the California Department of Public Health (CDPH) after the Governor signed into law the Medical Cannabis Regulation and Safety Act in 2015. The Act established a licensing and regulatory framework for the cultivation, manufacture, transport, storage, distribution, and sale of medical cannabis in California. The Act also created the Bureau of Medical Cannabis Regulation in the Department</p>

	<p>of Consumer Affairs, and tasked the Department of Food and Agriculture, the Department of Pesticide Regulation, the State Department of Public Health, the Department of Fish and Wildlife, and the State Water Resources Control Board to develop regulations or standards relating to marijuana and its cultivation, as follows:</p> <ul style="list-style-type: none"> • CA Department of Consumer Affairs: to license transporters, distributors, dispensaries, and testing laboratories. • CA Department of Food and Agriculture (CalCannabis Cultivation Licensing): to license cultivators and will also be responsible for implementing the Track-and-Trace System for plants from cultivation to sale. • CA Department of Public Health: to license manufacturers of cannabis.
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Aesthetics and Visual Resources

Aesthetics and Visual Resources (State)	
Scenic Highway Program	California's Scenic Highway Program was designed to preserve and protect scenic highway corridors. Jurisdictions nominating a Scenic Highway for official designation have in place or adopt ordinances to preserve the scenic quality of the corridor, including policies to preserve scenic resources through land use regulations, site planning, control of outdoor advertising (including a ban on billboards), grading, and measures to direct structural design and appearance (California Streets and Highways Code § 260 et seq.).

Agricultural and Timber Resources

Agricultural and Forestry Resources (Federal)	
The U.S. Farmland Protection Policy Act (FPPA) (7 U.S.C. 4201 et seq.)	<p>The U.S. Farmland Protection Policy Act (FPPA) (7 U.S.C. 4201 et seq, implementing regulations 7 CFR Part 658 of the Agriculture and Food Act of 1981, as amended) is intended to minimize the impact federal programs have on the unnecessary and irreversible conversion of farmland to nonagricultural uses. It assures that, to the maximum extent possible, federal programs are administered to be compatible with state and local units of government. Federal agencies are required to develop and review their policies and procedures to implement the FPPA every 2 years.</p> <p>For the purpose of the FPPA, farmland includes Prime Farmland, Unique Farmland, and Land of Statewide or Local Importance. Farmland subject to FPPA requirements does not have to be currently used for cropland. It can be forest land, pastureland, cropland, or other land but not water or urban built-up land.</p>
Agricultural and Forestry Resources (State)	
California Department of Conservation, Division of Land Resource Protection	<p>The California Department of Conservation established the FMMP in 1982 to assess the location, quality, and quantity of agricultural lands and analyze the conversion of these lands throughout California. The list below provides a comprehensive description of all categories mapped by the California Department of Conservation (California Department of Conservation 2010), with particular attention to tracking potential conversion of Prime Farmland, Farmland of Statewide Importance and Unique Farmland.</p> <ul style="list-style-type: none"> • Prime Farmland. Farmland that has the best combination of physical and chemical features and is able to sustain long-term agricultural production. This land has the soil quality, growing season, and moisture supply needed to sustain high yields. Land must have been used for irrigated agricultural production at some time during the four years prior to the mapping date. • Farmland of Statewide Importance. Farmland similar to prime farmland but with minor shortcomings, such as greater slopes or less ability to store soil moisture. Land must have been used for irrigated agricultural production at some time during the four years prior to the mapping date. • Farmland of Local Importance. Land of importance to the local agricultural economy as determined by each county's board of supervisors and a local advisory committee. • Grazing Land. Land on which the existing vegetation is suited to the grazing of livestock. This category was developed in cooperation with the California Cattlemen's

	<p>Association, University of California Cooperative Extension, and other groups interested in grazing activities. The minimum mapping unit for Grazing Land is 40 acres.</p> <ul style="list-style-type: none"> ● Urban and Built-up Land. Land occupied by structures with a building density of at least 1 unit to 1.5 acres, or about six structures to a 10-acre parcel. This land is used for residential, industrial, commercial, institutional, and public administrative purposes; railroad and other transportation yards; cemeteries; airports; golf courses; sanitary landfills; sewage treatment facilities; water control structures; and other developed purposes. ● Other Land. Land not included in any other mapping category. Common examples include low-density rural developments; brush, timber, wetland, and riparian areas not suitable for livestock grazing; confined livestock, poultry, or aquaculture facilities; strip mines and borrow pits; and water bodies smaller than 40 acres. Vacant and nonagricultural land surrounded on all sides by urban development and greater than 40 acres is mapped as Other Land.
<p>California Land Conservation Act of 1965 (Williamson Act)</p>	<p>The California Land Conservation Act of 1965, commonly referred to as the Williamson Act, is located in California Government Code Section 51200-51297.4. The Williamson Act enables local governments to enter into contracts with private landowners for the purpose of restricting specific parcels of land to agricultural or related open space uses in return for reduced property tax assessments. Specifically, this legislation enables landowners who voluntarily agree to participate in the Williamson Act program, to receive assessed property taxes per the income-producing value of their property in agricultural use, rather than on the property’s assessed market value.</p> <p>The Williamson Act program is administered by the California Department of Conservation in conjunction with local governments, which administer the individual contract arrangements with landowners. The landowner commits the parcel to a 10-year “rolling” period wherein no conversion out of agricultural use is permitted. Each year the contract automatically renews unless a notice of non-renewal or cancellation is filed. In return, the land is taxed at a rate based on the actual use of the land for agricultural purposes, as opposed to its unrestricted market value. An application for immediate cancellation can also be requested by the landowner, if the proposed immediate cancellation application is consistent with the cancellation criteria stated in the California Land Conservation Act and those adopted by the affected county or city. Non-renewal or immediate cancellation does not change the zoning of the property. Participation in the Williamson Act program is dependent on county adoption and implementation of the program and is voluntary for landowners.</p> <p>The Williamson Act states that a board or council shall, by resolution, adopt rules governing the administration of agricultural preserves, which typically specify which uses would be allowed. Per California Government Code Section 51201, an agricultural commodity under the Williamson Act means “any and all plant and animal products produced in this state for commercial purposes”, and an agricultural use consisting of “use of land, including but not limited to greenhouses, for the purpose of producing an agricultural commodity for commercial purposes”, however cannabis cultivation activities are not specifically mentioned or limited. Additionally, guidance from the Department of Conservation has stated that medical marijuana is an agricultural product, under both the 2015 MMRSA statutes and the Williamson Act. Nothing in the Williamson Act prohibits the growth of medical marijuana on land enrolled in the Williamson Act. A City or County’s participation in the Williamson Act does not alter a local government’s authority to place conditions on crop types and agricultural practices allowed in areas under their jurisdiction.</p> <p>Section 51238.1 allows a board or council to deem compatible any use, without conditions or mitigation that would otherwise be considered incompatible. However, this may occur only if that use meets the following conditions:</p> <ul style="list-style-type: none"> ● The use will not significantly compromise the long-term productive agricultural capability of the subject contracted parcel or parcels on other contracted lands in agricultural preserves. ● The use will not significantly displace or impair current or reasonably foreseeable agricultural operations on the subject contracted parcel or parcels on other contracted

	<p>lands in agricultural preserves. Uses that significantly displace agricultural operations on the subject contracted parcel or parcels may be deemed compatible if they relate directly to the production of commercial agricultural products on the subject contracted parcel or parcels or neighboring lands, including activities such as harvesting, processing, or shipping.</p> <ul style="list-style-type: none"> • The use will not result in the significant removal of adjacent contracted land from agricultural or open space use.
Farmland Security Zone Act	<p>The Farmland Security Zone Act was passed by the California legislature in 1999 to ensure that long-term farmland preservation is part of public policy. Under the provisions of this act, a landowner already under a Williamson Act contract can apply for Farmland Security Zone status by entering into a contract with the County. Farmland Security Zone classification automatically renews each year for an additional 20 years. In return, for a further 35 percent reduction in the taxable value of land and growing improvements (in addition to Williamson Act tax benefits), the owner agrees not to develop the property into nonagricultural uses.</p>
California Right to Farm Act (California Civil Code Section 3482.5)	<p>The California Right to Farm Act (California Civil Code Section 3482.5)—enacted in 1981—provides that a farming activity cannot be a public nuisance if all of the following factors are met:</p> <ol style="list-style-type: none"> 1) The activity is in support of the production of an agricultural commodity; 2) The agricultural activity is commercial in nature; 3) The activity is conducted “in a manner consistent with proper and accepted customs and standards as established and followed by similar agricultural operations in the same locality;” 4) The farming activity must have been in operation for at least three years; and 5) The farming activity was not a nuisance at the time it began. <p>It is noteworthy that the California Right to Farm Act does not require “best management practices” but instead simply allows adherence to “accepted” customs and practices. In addition, the statute specifically states that it prevails over any contrary provision of a city or county ordinance or regulation, but does allow cities and counties to require disclosures to be given to prospective home buyers that a dwelling is near an agricultural operation.</p>
California Government Code Section 51104(g) – California Timberland Productivity Act of 1982	<p>The California Timberland Productivity Act of 1982 (California Government Code Section 51100-51104) is intended to maintain the limited supply of timberland to ensure its current and continued availability for the growing and harvesting of timber and compatible uses, and to discourage premature or unnecessary conversion of timberlands to urban and other uses. Section 51104(g) of the Act states that a Timberland Protection Zone (TPZ) is devoted to and used for growing and harvesting timber, or for growing and harvesting timber and compatible uses, defined as “any use which does not significantly detract from the use of property for, or inhibit, growing and harvesting timber, and include (but is not limited to):</p> <ol style="list-style-type: none"> 1) Management for watershed; 2) Management for fish and wildlife habitat or hunting and fishing; 3) A use integrally related to the growing, harvesting, or processing of forest products, including but not limited to roads, log landings, and log storage areas; 4) The erection, construction, alteration, or maintenance of gas, electric, water, or communication transmission facilities; 5) Grazing; and 6) A residence or other structure necessary for the management of land zoned as timberland production.” <p>The County’s Timber Harvesting regulations (SCCC 16.52) implements these objectives throughout the TP zoning district.</p>
California Forest Practice Rules (2017) – Forest Practice Act	<p>Prepared for California Licensed Timber Operators and California Registered Professional Foresters, the California Forest Practice Rules compile relevant excerpts from Title 14 of the California Code of Regulations Chapters 4, 4.5, and 10, the provisions of the Z'berg-Nejedly Forest Practice Act of 1973 in a manner consistent with other laws, including but not limited to, the Timberland Productivity Act of 1982, the California Environmental Quality Act (CEQA) of 1970, the Porter-Cologne Water Quality Act, and the California Endangered Species Act. The Timber Harvesting Plan (THP) is comprised of the environmental review documents submitted by landowners to CalFire outlining what timber he or she wants to harvest, how it will be harvested, and the steps that will be taken to prevent damage to the environment. THPs are</p>

	prepared by Registered Professional Foresters (RPFs) who are licensed to prepare these comprehensive, detailed plans. Under the FPA, local jurisdictions can propose for consideration by the State special local regulations for timber harvesting. Several local regulations have been approved by the State over the years through this process, which are enforced by CDF.
California PRC Section 12220(g)	This section defines “forest land” as land that can support 10 percent native tree cover of any species, including hardwoods, under natural conditions, and that allows for management of one or more forest resources, including timber, aesthetics, fish and wildlife, biodiversity, water quality, recreation, and other public benefits.
California PRC Section 4526	This section defines “timberland” as land, other than land owned by the federal government and land designated by the board as experimental forest land, which is available for, and capable of, growing a crop of trees of a commercial species used to produce lumber and other forest products, including Christmas trees. Commercial species shall be determined by the board on a district basis.

Air Quality

Air Quality (Federal)	
Federal Clean Air Act (FCAA) (42 USC sec. 7401 et seq.)	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 PM2.5), and lead. The FCAA mandates that states submit and implement a State Implementation Plan (SIP) for local areas not meeting those standards; plans must include pollution control measures that demonstrate how the standards would be met. Pursuant to the 1990 FCAA amendments, the 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: “Attainment” – the pollutant concentration is lower than the standard. “Nonattainment” – the pollutant concentration exceeds the standard. “Unclassified” – there are not enough data available for comparisons. In 2007, the U.S. Supreme Court ruled that carbon dioxide (CO2) is an air pollutant as defined under the FCAA, and that the USEPA has authority to regulate greenhouse gas emissions.
Federal Clean Air Act Amendments (CAAA)	In 1990, the U.S. Congress adopted the federal Clean Air Act Amendments (CAAA), which updated the nation's air pollution control program. The CAAA established a number of requirements, including new deadlines for achieving federal clean air standards. The U.S. Environmental Protection Agency (USEPA) is the federal agency charged with administering the CAAA and other air quality-related legislation. As a regulatory agency, USEPA's principal functions include setting national ambient air quality standards (NAAQS); establishing minimum national emission limits for major sources of pollution; and promulgating regulations. The CAAA require USEPA to approve state implementation plans (SIPs) to meet and/or maintain the national AAQS. California's SIP is comprised of plans developed at the regional or local level.
Air Quality (State)	
California Clean Air Act (CCAA)	In 1988, the State legislature adopted the California Clean Air Act (CCAA), which established a statewide air pollution control program. The CCAA's requirements included annual emission reductions, increased development and use of low emission vehicles, and submittal of air quality attainment plans by air districts.
California Air Resources Board (CARB)	The California Air Resources Board (CARB), a division of the California EPA (CalEPA) is the state agency responsible for coordinating both State and federal air pollution control programs in California, ensuring implementation of the CCAA and responding to the federal CAAA. CARB approves local air quality management plans (AQMPs) which address attainment and maintenance of State AAQS as mandated by the CCAA. CARB also coordinates and approves

	local plans which eventually become part of the SIP for submittal to the EPA. CARB is responsible for the control of vehicle emission sources, while the local air district is responsible for enforcing standards and regulating stationary sources.
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Biological Resources

Biological Resources (Federal)	
Federal Endangered Species Act (ESA)	Under the federal ESA, it is unlawful to “take” any species listed as threatened or endangered. Take is defined as actions intended to “harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, collect, or attempt to engage in any such conduct.” An activity is defined as a take even if it is unintentional or accidental. Take provisions under the federal ESA apply only to listed fish and wildlife species under the jurisdiction of USFWS and/or the National Oceanic and Atmospheric Administration (NOAA), National Marine Fisheries Service (NMFS). Consultation with USFWS or NMFS is required if a project “may affect” or result in take of a listed species. When a species is listed, USFWS and/or NMFS, in most cases, must officially designate specific areas as critical habitat for the species. Consultation with USFWS and/or NMFS is required for projects that include a federal action or federal funding if the project would modify designated critical habitat.
Clean Water Act (CWA) Section 404	Under Section 404 of the Clean Water Act (CWA), the United States Army Corps of Engineers (USACE) regulates the discharge of dredged or fill material into US waters. US waters are those waters that have a connection to interstate commerce, either directly via a tributary system or indirectly through a nexus identified in USACE regulations. In nontidal waters, the lateral limit of jurisdiction under Section 404 extends to the ordinary high-water mark (OHWM) of a water body or, where adjacent wetlands are present, beyond the OHWM to the limit of the wetlands. The OHWM is defined as “that line on the shore established by the fluctuations of water and indicated by physical characteristics such as a clear natural line impressed on the bank, shelving, changes in the character of the soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding area” (33 CFR 328.3). In tidal waters, the lateral limit of jurisdiction extends to the high tidal line (HTL) or, where adjacent wetlands are present, beyond the HTL to the limit of the wetlands. Wetlands are defined as “those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for a life in saturated soil conditions.” US waters essentially include any body of water not otherwise exempted that displays an OHWM.
Migratory Bird Treaty Act (MBTA)	The Migratory Bird Treaty Act (MBTA) prohibits actions that would result in a “take” of migratory birds, their eggs, feathers, or nests. Take is defined in the MBTA to include any attempt at hunting, pursuing, wounding, killing, possessing, or transporting by any means or in any manner any migratory bird, nest, egg, or part thereof. More than 800 species of birds are protected under the MBTA. Migratory birds are also protected, as defined in the MBTA, under Section 3513 of the California Fish and Game Code.
Bald and Golden Eagle Protection Act (BGEPA)	The Bald and Golden Eagle Protection Act (BGEPA) makes it illegal to import, export, take (which includes molest or disturb), sell, purchase, or barter any bald eagle or golden eagle or parts thereof. USFWS oversees enforcement of this act. The 1978 amendment authorizes the US Secretary of the Interior to permit the taking of golden eagle nests that interfere with resource development or recovery operations. On September 11, 2009, USFWS announced a final rule on two new permit regulations that allows for the take of eagles and eagle nests under this act. The permits authorize limited non-purposeful take of bald eagles and golden eagles, authorizing individuals, companies, government agencies (including tribal governments), and other organizations to disturb or otherwise take eagles in the course of conducting lawful activities, such as operating utilities and airports. Most permits issued under the new regulations would authorize disturbance. In limited cases, a permit may authorize the physical take of eagles but only if every precaution is taken to avoid physical take. Removal of eagle nests would usually be allowed only when it is necessary to protect human safety or the eagles. Population information for both eagle species will guide USFWS in determining how many permits, including other types of permits USFWS already issues, may be issued in any locality.

	<p>Priority will be given to Native American requests for permits to take eagles (under existing regulations) where the take is necessary for traditional ceremonies. Because of the limited size of the bald eagle populations in the southwestern United States, permits may not be available in all locations. Disturbance or take of golden eagles is likely to be limited everywhere in the United States because of potential population declines.</p>
Federal Executive Orders (EO)	<p>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.</p> <p>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.</p> <p>EO 13186 sets forth responsibilities of federal agencies to protect migratory birds.</p>
Biological Resources (State)	
California Endangered Species Act (CESA)	<p>Under CESA, it is unlawful to “take” any species listed as rare, threatened, or endangered. Take under CESA means to “hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill.” CESA take provisions apply to fish, wildlife, and plant species. Take may result whenever activities occur in areas that support a listed species. Consultation with CDFW is required if a project would result in “take” of a listed species.</p>
California Code of Regulations, Sections 1600–1616 (Lake and Streambed Alteration Program)	<p>CDFW, through provisions of Sections 1600–1616 of the California Code of Regulations, is empowered to issue agreements for any alteration of a river, stream, or lake where fish or wildlife resources may be substantially adversely affected. Streams (and rivers) are defined by the presence of a channel bed and banks and the conveyance of at least ephemeral flows. CDFW regulates wetland areas only to the extent that those wetlands are part of a river, stream, or lake as defined by CDFW.</p> <p>CDFW also has jurisdiction over any riparian habitat areas associated with a river, stream, or lake. Riparian habitat includes willows, cottonwoods, and other vegetation typically associated with the banks of a stream or lake shoreline. In most situations, wetlands associated with a stream or lake would fall within the limits of riparian habitat. Thus, defining the limits of CDFW jurisdiction based on riparian habitat would automatically include any wetland areas. CDFW has not defined wetlands for jurisdictional purposes. Wetlands not associated with a lake, stream, or other regulated area are generally not subject to CDFW jurisdiction.</p>
California Fish and Game Code Sections 3503, 3503.5, and 3513—Protection of Birds, Nests, and Raptors	<p>Section 3503 of the California Fish and Game Code states that it is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird. Section 3503.5 specifically states that it is unlawful to take, possess, or destroy any raptors (i.e., species in the orders <i>Falconiformes</i> and <i>Strigiformes</i>), including their nests or eggs. Typical violations of these codes include destruction of active nests resulting from removal of vegetation in which the nests are located. Violation of Section 3503.5 could also include failure of active raptor nests resulting from disturbance of nesting pairs by nearby project construction. This statute does not provide for the issuance of any type of incidental take permit. Section 3513 states that it is unlawful to take or possess any migratory nongame bird, as designated in the MBTA, or any part of such migratory nongame bird.</p>
California Native Plant Protection Act (CNPPA)	<p>The California Native Plant Protection Act (CNPPA) preserves, protects, and enhances endangered and rare plants in California. Specifically, it prohibits import, take, possession, or sale of any native plant designated by the CDFW Commission as rare or endangered, except under certain circumstances designated by the act.</p>

Clean Water Act (CWA) Section 401	Under Section 401 of the CWA, the State Water Resources Control Board must certify all activities requiring a Section 404 permit. The Regional Water Quality Control Board (RWQCB) regulates these activities and issues water quality certifications for those activities requiring a Section 404 permit. In addition, the RWQCB has authority to regulate the discharge of “waste” into waters of the state pursuant to the Porter-Cologne Water Quality Control Act (Porter-Cologne Act).
Porter-Cologne Water Quality Control Act (California Water Code Division 7)	The Porter-Cologne Water Quality Control Act (Porter-Cologne) seeks to preserve, enhance, and restore the quality of California's water resources. The Porter-Cologne Water Quality Act established the SWRCB and nine RWQCBs as the principal state agencies with the responsibility for controlling water quality in the state. The State of California regulates discharges of dredged and fill material to Waters of the State through its Water Quality Certification Program under the authorities of Porter-Cologne and CWA Section 401, a program that allows the state to ensure that activities requiring a federal permit or license comply with state water quality standards. The Water Quality Certification Program is the state’s de facto wetland protection program. It protects all waters within the state’s regulatory jurisdiction, but has special responsibilities for wetlands, riparian areas, and headwater streams because these water bodies are not systematically protected by other state and regional board programs.

Cultural Resources

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)	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’s enforcement provision provides for criminal and civil penalties against violators of the Act. The ARPA's permitting component allows for recovery of certain artifacts consistent with NPS Federal Archeology Program standards and requirements.
Federal Executive Orders (EO)	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.
Omnibus Public Land Management Act of 2009 - Public Law 111-11	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.
National Historic Preservation Act (NHPA)	Archaeological resources are protected through the NHPA and its implementing regulation (Protection of Historic Properties; 36 CFR 800), the AHPA, and the ARPA. This Act presents a general policy of supporting and encouraging the preservation of prehistoric and historic resources for present and future generations by directing federal agencies to assume responsibility for considering the historic resources in their activities. The State implements the NHPA through its statewide comprehensive cultural resource surveys and preservation programs coordinated by the California Office of Historic Preservation (OHP) in the State Department of Parks and Recreation, which also advises federal agencies regarding potential effects on historic properties. The OHP also maintains the California Historic Resources Inventory. The State Historic Preservation Officer (SHPO) is an appointed official who implements historic preservation programs within the State’s jurisdictions, including commenting on Federal undertakings. Under the NHPA, historic properties include “any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the National Register of Historic Places”.
National Register of Historic Places (NRHP)	U.S. Department of the Interior issued NRHP Bulletin #15, How to Apply the National Register Criteria for Evaluation provides guidance for evaluating potential resources eligible for listing on the NRHP. NRHP Bulletin #15 classifies the four criteria for historic significance: <ul style="list-style-type: none"> • Criterion A - association with a historic event, • Criterion B - association with a historical figure, • Criterion C - association with a significant architectural style or architect, or • Criterion D - ability to yield information regarding a site’s history or prehistory.
Cultural Resources (State)	
California Register of Historic Resources (CRHR)	CEQA Guidelines Section 15064.5 states that a resource shall be considered “historically significant” if it meets any of the criteria for listing in the California Register of Historical Resources (CRHR) (Public Resources Code (PRC) Section 5024.1, Title 14 California Code of Regulations, Section 4852). A resource may qualify for CRHR listing if it: <ol style="list-style-type: none"> A. Is associated with events that have made a significant contribution to the broad patterns of California’s history or cultural heritage; B. Is associated with the lives of persons important in our past; C. Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or D. Has yielded, or may be likely to yield, information important in prehistory or history. Cultural resources meeting one or more of these criteria are defined as “historical resources” under CEQA. Included in the definition of historical resources are prehistoric archaeological sites, historic archaeological sites, historic buildings and structures, traditional cultural properties important to a tribe or other ethnic group, cultural districts and landscapes, and a variety of other property types. Resources included in a local register of historical resources [pursuant to the Public Resources Code Section 5020.1(k)], or identified as significant in an historical resources survey [meeting the criteria in PRC Section 5024.1(g)] also are considered “historical resources” for the purposes of CEQA. The fact that a resource is not listed in, or determined to be eligible for listing in the CRHR, not included in a local register of historical resources, or not identified in an historical resources survey, does not preclude a lead agency from determining that the resource may be an historical resource as defined in PRC Sections 5020.1(j) or 5024.1(c).

<p>AB 52</p>	<p>Assembly Bill 52 amends PRC Section 5097.94 (CEQA) and adds eight new sections to the PRC relating to Native Americans. It was passed and signed into law in 2014 and took effect on July 1, 2015. This law establishes a new category of resource called tribal cultural resources (PRC Section 21074) and establishes a process for consulting with Native American tribes and groups regarding those resources. The consultation process must be completed before a CEQA document can be certified. Native American tribes to be included in the process are identified through consultation with the Native American Heritage Commission (PRC Section 21080.3.1). Tribal cultural resources are “[s]ites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe...” (PRC Section 21074.1). A tribal cultural resource must be on, or eligible for, the California Register of Historical Resources as described above for historical resources, or must be included in a local register of historical resources. Also as discussed above for historical resources, the lead agency can determine that a tribal cultural resource is significant even if it has not been evaluated as eligible for the California Register of Historical Resources or is not on a local register. Assembly Bill 52 establishes that “A project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment” (PRC Section 21084.2). It further states that the lead agency shall establish measures to avoid impacts that would alter the significant characteristics of a tribal cultural resource, when feasible (PRC Section 21084.3).</p>
<p>SB 18</p>	<p>Passed in 2004, Senate Bill 18 requires cities and counties to consult with Native American tribes to help protect traditional tribal cultural places through the land use planning process. Unlike Assembly Bill 52, Senate Bill 18 is not an amendment to, or otherwise associated with, CEQA. Instead, Senate Bill 18 requires cities and counties to consult with Native American tribes early during broad land use planning efforts on both public and private lands, prior to site- and project-specific land use decisions. The bill applies to general plan adoption or amendments and to specific plan adoption or amendments. Consequently, it applies to the Program, as the Program includes a General Plan amendment.</p> <p>A Native American tribe is defined as “a federally recognized California Native American tribe or a non-federally recognized California Native American tribe that is on the contact list maintained by the Native American Heritage Commission” (Governor’s Office of Planning and Research 2005:6). Traditional tribal cultural places are defined in PRC §5097.9 and §5097.993 to include sanctified cemeteries, places of worship, religious or ceremonial sites, or sacred shrines, or any historic, cultural, or sacred site that is listed on or eligible for the California Register of Historic Resources including any historic or prehistoric ruins, burial grounds, or archaeological site (Governor’s Office of Planning and Research 2005:4)</p> <p>Under Senate Bill 18, cities and counties must notify the appropriate Native American tribe(s) of intended adoption or amendments to general plans or specific plans, and offer the opportunity for the tribe(s) to consult regarding traditional tribal cultural places within the proposed plan area. Consultation is intended to encourage preservation and protection of traditional tribal cultural places by developing treatment and management plans that might include incorporating the cultural places into designated open spaces (Governor’s Office of Planning and Research 2005:15).</p>
<p>Other Codes Governing Cultural Resources</p>	<p>CEQA Guidelines Section 15064.5 also assigns special importance to human remains and specifies procedures to be used when Native American remains are discovered. The disposition of human remains is governed by the California Health and Safety Code Section 7050.5 and the Public Resources Code Sections 5097.94 and 5097.98, and falls within the jurisdiction of the Native American Heritage Commission (NAHC). If human remains are discovered, the County Coroner must be notified within 48 hours and there should be no further disturbance to the site where the remains were found. If the remains are determined by the coroner to be Native American, the coroner is responsible for contacting the NAHC within 24 hours. The NAHC, pursuant to Section 5097.98, will immediately notify those persons it believes to be most likely descended from the deceased Native Americans so they can inspect the burial site and make recommendations for treatment or disposal.</p> <p>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</p>

	<p>governments to provide meaningful input into proposed decisions and policies that may affect tribal communities.</p> <p>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.</p>
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Geology and Soils

Geology and Soils (International & Federal)	
International Building Code	This code sets design standards to accommodate a maximum considered earthquake (MCE), based on a project’s regional location, site characteristics, and other factors. In 2000, the IBC replaced the Uniform Building Code in the United States to ensure consistency and standardized requirements throughout the nation.
Clean Water Act (Erosion Control)	The Clean Water Act (CWA), formerly the Federal Water Pollution Control Act of 1972, was enacted with the intent of restoring and maintaining the chemical, physical, and biological integrity of the waters of the United States. The CWA requires states to set standards to protect, maintain, and restore water quality through the regulation of point source and certain nonpoint source discharges to surface water. Those discharges are regulated by the National Pollutant Discharge Elimination System (NPDES) permit process (CWA Section 402). Projects that disturb one acre of soil or more, or are part of a common plan that in total disturbs more than one acre, are required to obtain NPDES coverage under the NPDES General Permit for Storm Water Discharges Associated with Construction Activity (General Permit), Order No. 2009-0009-DWQ. The General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP), which includes Best Management Practices (BMPs) to protect stormwater runoff, including measures to prevent soil erosion.
Geology and Soils (State)	
California Building Code (CBC)	The State of California provides minimum standards for building design through the California Building Code (CBC). In accordance with the CBC, a grading permit is required if more than 50 cubic yards of soil are moved during implementation of a proposed project. Chapter 16 of the CBC contains definitions of seismic sources and the procedure used to calculate seismic forces on structures. Chapter 18 of the CBC contains standards and regulations relating to soil stability, design standards for seismic safety, and construction standards for building foundations. Specific regulations in Section 1803 require geotechnical investigations or preliminary soil reports as a condition of building permit approval. Section 1804 provides regulations on the siting of structures and site grading based on the soils and slope stability of a site. Section 1808 establishes regulations for the design and construction of building foundations, with emphasis on stability (i.e. issues pertaining to shifting soils, seismic overturning and expansive soils) and design loads.
Alquist-Priolo Earthquake Fault Zoning Act	The Alquist-Priolo Earthquake Fault Zoning Act of 1972 (formerly the Special Studies Zoning Act) regulates development and construction of buildings intended for human occupancy to avoid the hazard of surface fault rupture. In accordance with this law, the California Geological Survey maps active faults and designates Earthquake Fault Zones along mapped faults. This act groups faults into categories of active, potentially active, and inactive. Historic and Holocene age faults are considered active, Late Quaternary and Quaternary age faults are considered potentially active, and pre-Quaternary age faults are considered inactive. These classifications are qualified by the conditions that a fault must be shown to be “sufficiently active” and “well defined” by detailed site-specific geologic explorations in order to determine whether building setbacks should be established. Any project that involves the construction of buildings or structures for human occupancy, such as an operation and maintenance building, is subject to review under the Alquist-Priolo Earthquake Fault Zoning Act, and any structures for human occupancy must be located at least 50 feet from any active fault.
Seismic	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

Hazards Mapping Act & Mapping Regulations	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).
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Greenhouse Gas Emissions and Climate Change

Greenhouse Gas Emissions and Climate Change (International & Federal)	
International Protocols	<p>In 1988, the United Nations established the IPCC to evaluate the impacts of global warming and to develop strategies that nations could implement to curtail global climate change. In June 1992, the U.S. joined other countries in the United Nations Framework Convention on Climate Change (UNFCCC) agreement with the goal of stabilizing GHG emissions. The treaty itself set no binding limits on GHG emissions for individual countries and contains no enforcement mechanisms. In that sense, the treaty is considered legally non-binding. Instead, the treaty provides a framework for negotiating specific international treaties (called "protocols") that may set binding limits on GHGs.</p> <p>The Kyoto Protocol was the first treaty made under the UNFCCC on December 1, 1997 and was the first international agreement that commits signatories to reduce GHG emissions. The Protocol sets emissions targets for developed countries which are binding under international law. The Kyoto Protocol has had two commitment periods, the first of which lasted from 2005 to 2012, and the second from 2012 to 2020. The U.S. has not ratified the Kyoto Protocol. It has been estimated that if the commitments outlined in the Kyoto Protocol were met, global GHG emissions could have been reduced by an estimated 5 percent from 1990 levels during the first commitment period of 2008–2012.</p> <p>In December 2009, international leaders from 192 nations met in Copenhagen to address the future of international climate change commitments post-Kyoto, but no binding agreements were reached. Many of the industrialized countries that ratified the Kyoto Protocol have not and/or are not expected to meet their targets. However, countries did ratify the Copenhagen Accord, a nonbinding agreement. The Copenhagen Accord, a voluntary agreement between the U.S., China, India, and Brazil, recognizes the need to keep global temperature rise to below 2 degrees Celsius (°C) or 3.6 degrees Fahrenheit (°F) and obligates signatories to establish measures to reduce GHG emissions and to prepare to provide help to poorer countries in adapting to global climate change.</p> <p>Representatives from 194 United Nations member states, including business leaders and nongovernment organizations, met in Cancun, Mexico in December 2010 to participate in the United Nations Climate Change Conference (COP-16). In all, approximately 12,000 participants met to work out the language and reduction targets of a new agreement. The result was the Cancun Agreements, a voluntary agreement similar to the Copenhagen Accord, but with broader United Nation member nation support. The Cancun Agreements set the stage for the next year’s climate conference in Durban, South Africa, where the unresolved issues – including the future of the Kyoto Protocol and a binding agreement – will once again be on the table. The key elements of the Cancun Agreements are as follows:</p> <ul style="list-style-type: none"> • Countries agree to keep temperature rise below 2 °C above pre-industrial levels and developed countries are urged to make more aggressive pledges on cutting emissions. • A \$30 billion package (“fast-start financing”) for 2012 to aid nations taking immediate action to adapt to global warming. • The creation of a “Global Climate Fund” that will provide financing of \$100 million annually for longer-term adaptation and mitigation measures in developing countries (although where this aid will come from is still unresolved). The World Bank was designated as its interim trustee.

	<ul style="list-style-type: none"> • The creation of the forestry program, Reducing Emissions from Deforestation and Forest Degradation, which provides compensation for the preservation of tropical forests in developing countries. • Specific language and a formal system for monitoring and reporting emissions. This includes a process of “international consultations and analysis” for developing countries that is “nonintrusive, nonpunitive, and respectful of national sovereignty,” incorporating analysis by technical experts and resulting in a summary report. <p>The UNFCCC met again in December 2011 in Durban, South Africa to continue deliberating on a treaty to replace the Kyoto Protocol, which ended in 2012. The conference agreed to a legally binding deal comprising all countries, which will be executed by 2015, and to take effect in 2020. There was also progress regarding the creation of a Green Climate Fund (GCF) for which a management framework was adopted.</p> <p>The 2015 United Nations Climate Change Conference (COP 21) was held in Paris, from November 30 to December 11, 2015. It was the 21st annual session of the Conference of the Parties to the 1992 UNFCCC and the 11th session of the Meeting of the Parties to the 1997 Kyoto Protocol. The conference agreed to a legally binding deal to limit temperature rise well below 2 °C. The deal also includes a long-term emissions goal, which aims to peak global GHG emissions “as soon as possible” and to achieve “balance” between emissions and sinks in the second half of the century. In 2018, there will be a facilitative dialogue to take stock of the collective efforts of countries, which should inform the efforts of future commitments. Countries which have submitted targets for 2025 are then urged to come back in 2020 with a new target, while those with 2030 targets are invited to “communicate or update” them. This process will essentially be repeated every five years, with the first post-2020 stocktake occurring in 2023. The agreement also places a legal obligation on developed countries to continue to provide climate finance to developing countries. It also encourages other countries to provide support voluntarily – a compromise between the highly polarized positions that have taken center stage at the negotiations.</p>
Federal Clean Air Act (FCAA)	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 GHG emissions.
Mandatory Greenhouse Gas Reporting	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 CO2, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, sulfur hexafluoride, and other fluorinated gases including nitrogen trifluoride and hydrofluorinated ethers.
U.S. Environmental Protection Agency (USEPA)	The USEPA is responsible for implementing federal policy to address global climate change. The federal government administers a wide array of public-private partnerships to reduce U.S. GHG emissions. These programs focus on energy efficiency, renewable energy, methane and other non-CO2 gases, agricultural practices, and implementation of technologies to achieve GHG reductions. Currently, the federal government’s policy on climate change has three objectives: 1) slowing the growth of emissions; 2) strengthening science, technology, and institutions; and 3) enhancing international cooperation, which it is implementing through voluntary and incentive-based programs.
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 CO2 equivalent (CO2e) emissions by 169 million metric tons (MMT) from the State’s projected 2020 emissions level of 596 MMT CO2e 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.
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.
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.
State Executive Orders (EOs)	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.
Clean Energy and Pollution Reduction Act of 2015 (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.

Hazards and Hazardous Materials

Hazards and Hazardous Materials (Federal)	
Federal Toxic Substances Control Act/Resource Conservation and Recovery Act/Hazardous and Solid Waste Act	The Federal Toxic Substances Control Act (1976) TSCA authorizes the U.S. Environmental Protection Agency (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. The Resource Conservation and Recovery Act (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.
Comprehensive Environmental	The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as “Superfund,” was enacted by Congress on December 11, 1980. This law

Response, Compensation, and Liability Act/Superfund Amendments and Reauthorization Act	(42 US Code [USC] 103) provides broad federal authority to respond directly to releases or threatened releases of hazardous substances that may endanger public health or the environment. CERCLA establishes requirements concerning closed and abandoned hazardous waste sites, provides for liability of persons responsible for releases of hazardous waste at these sites, and establishes a trust fund to provide for cleanup when no responsible party can be identified. CERCLA also enabled the revision of the National Contingency Plan (NCP). The NCP (40 Code of Federal Regulations [CFR] 300) provides the guidelines and procedures needed to respond to releases and threatened releases of hazardous substances, pollutants, and/or contaminants. The NCP also established the National Priorities List (NPL). CERCLA was amended by the Superfund Amendments and Reauthorization Act (SARA) on October 17, 1986.
Clean Water Act/Spill Prevention, Control, and Countermeasure Rule	The Clean Water Act (CWA) (33 USC 1251 et seq., formerly the Federal Water Pollution Control Act of 1972) was enacted with the intent of restoring and maintaining the chemical, physical, and biological integrity of waters of the United States. As part of the CWA, EPA oversees and enforces the Oil Pollution Prevention regulation contained in 40 CFR 112, which is often referred to as the “SPCC Rule” because it requires facilities to prepare, amend, and implement spill prevention, control, and countermeasure (SPCC) plans. A facility is subject to SPCC regulations if a single oil storage tank has a capacity greater than 660 gallons, the total aboveground oil storage capacity exceeds 1,320 gallons, or the underground oil storage capacity exceeds 42,000 gallons and, because of its location, the facility could reasonably be expected to discharge oil into or upon the “navigable waters” of the United States. Other federal regulations overseen by EPA relevant to hazardous materials and environmental contamination include 40 CFR 1(D) (Water Programs) and 40 CFR 1(I) (Solid Wastes). Furthermore, 40 CFR 1(D)(116) sets forth a determination of the reportable quantity for each substance that has been designated as hazardous, and 40 CFR 1(D)(117) applies to quantities of designated substances equal to or greater than the reportable quantities that may be discharged into waters of the United States.
Occupational Safety and Health Administration (OSHA)	The Occupational Safety and Health Administration’s (OSHA’s) mission is to ensure the safety and health of American workers by setting and enforcing standards; providing training, outreach, and education; establishing partnerships; and encouraging continual improvement in workplace safety and health. The OSHA staff establishes and enforces protective standards and reaches out to employers and employees through technical assistance and consultation programs. OSHA standards are listed in 29 CFR 1910.
Hazards and Hazardous Materials (State)	
California Code of Regulations	Hazardous material is any substance that, because of its quantity, concentration, or physical or chemical properties, may pose a hazard to human health and the environment. Under Title 22 of the California Code of Regulations (CCR), the term “hazardous substance” refers to both hazardous materials and hazardous wastes. Both of these are classified according to four properties: (1) toxicity, (2) ignitability, (3) corrosiveness, and (4) reactivity (22 CCR 11, and Article 3). A hazardous material is defined in CCR Title 22 as follows: A substance or combination of substances which, because of its quantity, concentration, or physical, chemical or infectious characteristics, may either (1) cause, or significantly contribute to, an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness; or (2) pose a substantial present or potential hazard to human health or environment when improperly treated, stored, transported or disposed of or otherwise managed (22 CCR 66260.10).
Division of Oil, Gas, and Geothermal Resources	DOGGR is the state agency responsible for supervising the drilling, operation, maintenance, plugging, and abandonment of oil, gas, and geothermal wells. DOGGR’s regulatory program promotes the sensitive development of oil, natural gas, and geothermal resources in California through sound engineering practices, pollution prevention, and the implementation of public safety programs. DOGGR requires any construction above or near plugged or abandoned oil and gas wells to be avoided and the remediation of wells to current DOGGR standards.
Hazardous Materials Release Response Plans	The Hazardous Materials Release Response Plans and Inventory Act, also known as the Business Plan Act, requires businesses that use hazardous materials to prepare a plan that describes their facilities, inventories, emergency response plans, and training programs. Hazardous materials are defined as unsafe raw or unused materials that are part of a process or

and Inventory Act of 1985	manufacturing step. They are not considered hazardous waste. Health concerns pertaining to the release of hazardous materials, however, are similar to those pertaining to hazardous waste.
Hazardous Materials Transportation	The transport of hazardous materials within the State of California is subject to various federal, state, and local regulations. It is illegal to transport explosives or inhalation hazards on any public highway not designated for that purpose unless the use of the highway is required to permit delivery or the loading of such materials (California Vehicle Code, Sections 31602(b) and 32104(a)). The California Highway Patrol (CHP) designates through routes to be used for the transport of hazardous materials. The transport of hazardous materials is restricted to such routes except in cases where travel from these routes is required to deliver or receive hazardous materials. Information on CHP requirements and regulatory authority is provided under “California Highway Patrol,” below.
Hazardous Waste Control Act	<p>The Hazardous Waste Control Act was created by the State Hazardous Waste Management Program, which is similar to but more stringent than the federal RCRA program. The act is implemented by regulations contained in Title 26 of the CCR, which describe the following aspects of the requirements for the proper management of hazardous waste.</p> <ul style="list-style-type: none"> • Identification and classification. • Generation and transportation. • Design and permitting of recycling, treatment, storage, and disposal facilities. • Treatment standards. • Operation of facilities and staff training. • Closure of facilities and liability requirements. <p>These regulations list more than 800 materials that may be hazardous and establish criteria for identifying, packaging, and disposing of such waste. Under the Hazardous Waste Control Act and Title 26, the generator of hazardous waste must complete a manifest that accompanies the waste from generator to transporter to the ultimate disposal location. Copies of the manifest must be filed with the California Department of Toxic Substances and Control (DTSC).</p>
Unified Hazardous Waste and Hazardous Materials Management Regulatory Program	<p>Senate Bill 1082 (1993) created the Unified Hazardous Waste and Hazardous Materials Management Regulatory Program (Unified Program), which requires the administrative consolidation of six hazardous materials and waste programs (Program Elements) under one agency, a Certified Unified Program Agency (CUPA). The Program Elements consolidated under the Unified Program are as follows.</p> <ul style="list-style-type: none"> • Hazardous Waste Generator and Onsite Hazardous Waste Treatment Programs (i.e., Tiered Permitting). • Aboveground Petroleum Storage Tank SPCC. • Hazardous Materials Release Response Plans and Inventory Program (i.e., Hazardous Materials Disclosure or “Community Right-to-Know”). • California Accidental Release Prevention (CalARP) Program. • Underground Storage Tank (UST) Program. • Uniform Fire Code Plans and Inventory Requirements. <p>The Unified Program is intended to provide relief to businesses that comply with the overlapping and sometimes conflicting requirements of formerly independently managed programs. The Unified Program is implemented at the local government level by CUPAs. Most CUPAs have been established as a function of a local environmental health or fire department. Some CUPAs have contractual agreements with another local agency (i.e., a participating agency) that implements one or more Program Elements in coordination with the CUPA.</p>
California Environmental Protection Agency (Cal-EPA)	Cal-EPA was created in 1991. It unified California’s environmental authority in a single cabinet-level agency and brought California Air Resources Board [CARB]), State Water Resources Control Board (SWRCB), Regional Water Quality Control Board (RWQCB), California Department of Resources, Recycling and Recovery (CalRecycle), DTSC, the Office of Environmental Health Hazard Assessment (OEHHA), and the Department of Pesticide Regulation (DPR) under one agency. These agencies were placed within the Cal-EPA “umbrella” for the protection of human health and the environment to ensure a coordinated

	<p>deployment of state resources. Their mission is to restore, protect, and enhance the environment and ensure public health, environmental quality, and economic vitality.</p>
<p>Department of Toxic Substance Control (DTSC)</p>	<p>DTSC, a department of Cal-EPA, is the primary agency in California for regulating hazardous waste, cleaning up existing contamination, and finding ways to reduce the amount of hazardous waste produced in California. DTSC regulates hazardous waste primarily under the authority of the federal RCRA and the California Health and Safety Code (primarily Division 20, Chapters 6.5 through 10.6, and Title 22, Division 4.5). Other laws that affect hazardous waste are specific to handling, storage, transportation, disposal, treatment, reduction, cleanup, and emergency planning.</p> <p>USC 65962.5 (commonly referred to as the Cortese List) includes DTSC-listed hazardous waste facilities and sites, Department of Health Services (DHS) lists of contaminated drinking water wells, sites listed by SWRCB as having UST leaks or discharges of hazardous wastes or materials into the water or groundwater, and lists from local regulatory agencies of sites with a known migration of hazardous waste/material.</p>
<p>State Water Resources Control Board (SWRCB)</p>	<p>SWRCB is responsible for statewide regulation of water resources. SWRCB’s mission is to “ensure the highest reasonable quality for waters of the State, while allocating those waters to achieve the optimum balance of beneficial uses.” SWRCB thus has joint authority over water allocation and water quality protection. SWRCB supports the efforts of the individual RWQCBs, of which there are nine statewide. These are semiautonomous and consist of Board members appointed by the Governor and confirmed by the Senate. Regional boundaries are based on watershed, and water quality requirements are based on the unique differences in climate, topography, geology, and hydrology for each watershed.</p> <p>Each RWQCB makes critical water quality decisions for its region, including setting standards, issuing waste discharge requirements, determining compliance with those requirements, and taking appropriate enforcement actions. Water quality standards are defined in each RWQCB’s respective Basin Plan. Basin plans must conform to the policies set forth in the Porter-Cologne Water Quality Control Act (Porter-Cologne Act) and established by SWRCB in its state water policy. The Porter-Cologne Act also provides that an RWQCB may include in its region a regional plan with water discharge prohibitions applicable to particular conditions, areas, or types of waste. The RWQCBs are also authorized to enforce discharge limitations, take actions to prevent violations of these limitations from occurring, and conduct investigations to determine the status of quality of any of the waters of the State within their region. Civil and criminal penalties are also applicable to persons who violate the requirement of the Porter-Cologne Act or SWRCB/RWQCB orders.</p> <p>Agricultural activities are regulated under the Irrigated Lands Regulatory Program (ILRP), a program designed to regulate pollutants typically found in runoff from irrigated lands, such as pesticides, fertilizers, sediments, pathogens, and salts which pose harm to aquatic life and the quality of water.</p>
<p>California Porter-Cologne Water Quality Control Act</p>	<p>The federal CWA places the primary responsibility for the control of water pollution and for planning the development and use of water resources with the individual states, although it does establish certain guidelines for the states to follow in developing their programs.</p> <p>California’s primary statute governing water quality and water pollution is the Porter-Cologne Act, which grants the SWRCB and RWQCBs broad powers to protect water quality and is the primary vehicle for implementation of California’s responsibility under the CWA. The Porter-Cologne Act grants the SWRCB and RWQCBs the authority and responsibility to adopt plans and policies, to regulate discharges to surface and groundwater, to regulate waste disposal sites, and to require cleanup of discharges of hazardous materials and other pollutants. The Porter-Cologne Act also establishes reporting requirements for unintended discharges of any hazardous substance, sewage, oil, or petroleum product.</p>
<p>California Office of Emergency Services</p>	<p>To protect public health and safety as well as the environment, the California Office of Emergency Services (OES) is responsible for establishing and managing statewide standards for business and area plans related to the handling and release, or threatened release, of hazardous materials. OES requires basic information regarding hazardous materials handled, used, stored, or disposed of (including location, type, quantity, and health risks) to be available to firefighters, public safety officers, and regulatory agencies. Typically, this information should be included in business plans to prevent or mitigate impacts on the environment or the</p>

	<p>health and safety of individuals from the release, or threatened release, of these materials into the workplace and environment. These regulations are covered under Chapter 6.95 of the California Health and Safety Code, Article 1, Hazardous Materials Release Response and Inventory Program (Sections 25500 to 25520), and Article 2, Hazardous Materials Management (Sections 25531 to 25543.3).</p> <p>Title 19 of the CCR (Public Safety; Division 2; Office of Emergency Services; Chapter 4; Hazardous Material Release Reporting, Inventory, and Response Plans; Article 4 [Minimum Standards for Business Plans]) establishes minimum statewide standards for hazardous materials business plans. These plans must include the following: a hazardous material inventory, in accordance with Sections 2729.2 to 2729.7; emergency response plans and procedures, in accordance with Section 2731; and training program information, in accordance with Section 2732. Business plans should contain basic information regarding the location, type, quantity, and health risks of hazardous materials stored, used, or disposed of in the state. Each business will prepare a hazardous materials business plan if that business uses, handles, or stores a hazardous material or an extremely hazardous material in quantities greater than or equal to the following.</p> <ul style="list-style-type: none"> • 500 pounds of a solid substance. • 55 gallons of a liquid. • 200 cubic feet of compressed gas. • A hazardous compressed gas in any amount. • Hazardous waste in any quantity.
California Occupational Safety and Health Administration (Cal/OSHA)	<p>The California Occupational Safety and Health Administration (Cal/OSHA) is the primary agency with responsibility for worker safety with respect to the handling and use of hazardous or toxic materials and chemicals in the workplace. Cal/OSHA standards are generally more stringent than federal regulations. The employer is required to monitor worker exposure to listed hazardous substances and notify workers of exposure (8 CCR 337–340). The regulations specify requirements regarding employee training, the availability of safety equipment, accident-prevention programs, and hazardous substance exposure warnings.</p>
California Highway Patrol (CHP)	<p>Under the California Vehicle Code, Section 32000.5, a valid license to transport hazardous materials, issued by the CHP, is required for the transport of either of the following.</p> <ul style="list-style-type: none"> • Hazardous materials for which the display of placards is required pursuant to Section 27903. • Hazardous materials weighing more than 500 pounds for which the display of placards is required. • Additional requirements regarding the transport of explosives, inhalation hazards, and radioactive materials are enforced by the CHP under the authority of the California Vehicle Code. The transport of explosives generally requires consistency with rules and regulations pertaining to routing, safe stopping distances, and inspection stops (14 CCR 6(1)(1150–1152.10)). Inhalation hazards face similar but more restrictive rules and regulations (13 CCR 6(2.5)(1157–1157.8)). The transport of radioactive materials is restricted to specific safe routes.

Hydrology and Water Quality

Hydrology and Water Quality (Federal)	
Federal Clean Water Act (CWA)	<p>In 1972, the Federal Water Pollution Control Act (later referred to as the Clean Water Act [CWA]) was amended to require that the discharge of pollutants into waters of the U.S. from any point source be effectively prohibited unless the discharge is in compliance with a National Pollutant Discharge Elimination System (NPDES) permit. In 1987, the CWA was again amended to require that the U.S. Environmental Protection Agency (USEPA) establish regulations for the permitting of stormwater discharges (as a point source) by municipal and industrial facilities and construction activities under the NPDES permit program. The regulations require that Municipal Separate Storm Sewer System (MS4) discharges to surface waters be regulated by an NPDES permit.</p>

	<p>The CWA requires states to adopt water quality standards for water bodies and have those standards approved by USEPA. Water quality standards consist of designated beneficial uses for a particular water body (e.g., wildlife habitat, agricultural supply, and fishing), along with water quality criteria necessary to support those uses. Water quality criteria include quantitative set concentrations, levels, or loading rates of constituents—such as pesticides, nutrients, salts, suspended sediment, and fecal coliform bacteria—or narrative statements that represent the quality of water that support a particular use.</p> <p><u>CWA Section 303, List of Water Quality Limited Segments:</u> Section 303 of the CWA requires that the State adopt water quality standards for surface waters. When designated beneficial uses of a particular water body are being compromised by water quality, Section 303(d) of the CWA requires identifying and listing that water body as impaired. Once a water body has been deemed impaired, a Total Maximum Daily Load (TMDL) must be developed for each impairing water quality constituent. A TMDL is an estimate of the total load of pollutants from point, non-point, and natural sources that a water body may receive without exceeding applicable water quality standards (often with a “factor of safety” included, which limits the total load of pollutants to a level well below that which could cause the standard to be exceeded). Once established, the TMDL is allocated among current and future dischargers into the water body.</p> <p><u>CWA Section 402, National Pollutant Discharge Elimination System:</u> Direct discharges of pollutants into waters of the U.S. are not allowed, except in accordance with the NPDES program established in Section 402 of the CWA. Non-point source discharges to stormwater are regulated under stormwater NPDES permits for municipal stormwater discharges, industrial activities, and construction activities. These permits require development and adherence to Storm Water Pollution Prevention Plans (SWPPP).</p> <p><u>CWA Sections 404 and 401:</u> Under Section 404 of the CWA, the U.S. Army Corps of Engineers (USACE) regulates the discharge of dredged or fill material into waters of the U.S., which are those waters that have a connection to interstate commerce, either direct via a tributary system or indirect through a nexus identified in the USACE regulations. Under Section 401 of the CWA, the SWRCB must certify all activities requiring a 404 permit. The RWQCB regulates these activities and issues water quality certifications for those activities requiring a 404 permit.</p>
Rivers and Harbors Act	<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.
Hydrology and Water Quality (State)	
State Water Resources Control Board (SWRCB)	<p>SWRCB is responsible for statewide regulation of water resources. SWRCB’s mission is to “ensure the highest reasonable quality for waters of the State, while allocating those waters to achieve the optimum balance of beneficial uses.” SWRCB thus has joint authority over water allocation and water quality protection. SWRCB supports the efforts of the individual RWQCBs, of which there are nine statewide. These are semiautonomous and consist of Board members appointed by the Governor and confirmed by the Senate. Regional boundaries are based on watershed, and water quality requirements are based on the unique differences in climate, topography, geology, and hydrology for each watershed.</p> <p>Each RWQCB makes critical water quality decisions for its region, including setting standards, issuing waste discharge requirements, determining compliance with those requirements, and taking appropriate enforcement actions. Water quality standards are defined in each RWQCB’s respective Basin Plan. Basin plans must conform to the policies set forth in the Porter-Cologne Water Quality Control Act (Porter-Cologne Act) and established by SWRCB in its state water policy. The Porter-Cologne Act also provides that an RWQCB may include in its region a regional plan with water discharge prohibitions applicable to particular conditions, areas, or</p>

	types of waste. The RWQCBs are also authorized to enforce discharge limitations, take actions to prevent violations of these limitations from occurring, and conduct investigations to determine the status of quality of any of the waters of the State within their region. Civil and criminal penalties are also applicable to persons who violate the requirement of the Porter-Cologne Act or SWRCB/RWQCB orders.
Porter-Cologne Water Quality Control Act	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: <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. <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. 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.
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.
SB 837	On June 27, 2016, Senate Bill (SB) 837 was enacted to require the State Water Resources Control Board, in consultation with the California Department of Fish and Wildlife (CDFW), to adopt interim and long-term principles and guidelines (requirements) for the diversion and use of water for cannabis cultivation in areas where cannabis cultivation may have the potential to substantially affect instream flows. Principles and guidelines will be incorporated into licenses issued by the California Department of Food and Agriculture under its CalCannabis Cultivation Licensing, and water right registrations will be issued under the State Water Board's Small Irrigation Use Registration Program, once available. The State Water Resources Control Board is developing a cannabis water rights registration program to provide appropriate water rights for smaller diversions (less than 20 acre-feet per year). This program is under development, including an online portal for registrants to submit their filings, make payments, and receive registration certificates, and is expected to be available in late 2017.
State General Permit for Storm Water Discharges Associated	On September 2, 2009, SWRCB adopted the National Pollutant Discharge Elimination System Permit (NPDES) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Construction General Permit; Order 2009-0009-DWQ; NPDES No. CAS000002). The General Construction Permit requires any construction activity disturbing one acre or more of soil to comply with the requirements of the permit. Dischargers are required to

with Construction Activity (Construction General Permit)	identify and implement Best Management Practices (BMPs) meeting the technological standards of Best Available Technology Economically Achievable (BAT) and Best Conventional Pollutant Control Technology (BCT) to reduce or eliminate storm water pollution. BMPs include programs, technologies, processes, practices, and devices that control, prevent, remove, or reduce pollution. Permittees must also maintain BMPs and conduct inspection and sampling programs as required by the permit. Dischargers are also required to comply with monitoring and reporting requirements to ensure that discharges comply with the numeric action levels and numeric effluent limitations specified in the permit.
California Food and Agriculture Code	Chapter 3, Restricted Materials, of the California Food and Agriculture Code Section identifies restricted materials as a class of pesticides deemed by California Department of Pesticide Regulation (DPR) to have a higher potential to cause harm to public health, farm workers, domestic animals, honeybees, the environment, wildlife, or other crops compared to other pesticides. Most pesticides used in agriculture are not considered to be restricted materials. With certain exceptions, Chapter 3.4, Private Applicator Certification, states that restricted materials may be purchased and used only by or under the supervision of a certified commercial or private applicator under a permit issued by the County Agricultural Commissioner (CAC). Among other things, an application for permit must list the areas to be treated, their location and size, crops or commodities, pest problems, names of restricted pesticides that are being requested to be applied, and application method. The permit application must also include a map or description of the surrounding area showing any places that could be harmed by pesticides. These could include receiving water bodies and endangered species habitat. Applicants must let the CAC know each time they plan to use any of the restricted materials on their permit. This involves filing a Notice of Intent to Apply a Restricted Material with the CAC. Pursuant to Section 60303 of the California Code of Regulations, food crops where water comes into direct contact with the edible portion of the crop may be irrigated with disinfected tertiary recycled water; whereas, food crops where the edible portion is produced above ground and does not have contact with water may be irrigated with disinfected secondary-2.2 recycled water.
Sustainable Groundwater Management Act (SGMA)	SGMA went into effect on January 1, 2015 and encourages local agencies to work cooperatively as GSAs to manage groundwater resources and is intended to increase local control and protection over groundwater basins. The intent of this legislation is to manage the use of groundwater in a manner that can be maintained long-term without causing chronic lowering of groundwater levels, overdraft, significant reduction in groundwater storage, saline water intrusion, or subsidence. SMGA requires the GSAs to develop Groundwater Sustainability Plans (GSPs) by 2020. The GSPs are required to set objectives to achieve sustainability within 20 years of plan implementation, report data to DWR, mitigate overdraft, and address groundwater dependent ecosystems. The designated GSAs for each of the County’s three major groundwater basins are identified in the discussion of groundwater resources above.
Medical Cannabis Regulation and Safety Act (MCRSA) (AB Nos. 243, 266, 643, and 719, and Proposition 64)	MCRSA requires the State Water Board, along with the Department of Fish and Wildlife, to expand enforcement activities statewide to ensure the reduction of adverse environmental impacts related to medical marijuana cultivation. The bill requires each Regional Water Board (or State Water Board) to address discharges of waste from the cultivation of medical marijuana and related activities. The MCRSA requires the State Water Board, in consultation with California Department of Fish and Wildlife and California Department of Food and Agriculture, to ensure that individual and cumulative effects of water diversion and discharge associated with cannabis cultivation do not affect instream flows needed for fish spawning, migration, and rearing, and flows needed to maintain natural flow variability. The State Water Board, Division of Water Rights (Division), in consultation with California Department of Fish and Wildlife, is required to adopt principles and guidelines for diversion and use of water for cannabis cultivation in areas where cultivation may have the potential to substantially affect instream flows. The Division is developing interim principle and guidelines for such diversions and intends to have interim principles and guidelines, and a small irrigation use registration program available to cannabis cultivators in priority watersheds by the end of 2017. Prop 64 requires compliance with “any requirement imposed to protect natural resources, including, but not limited to, protections for instream flow and water quality” prior to an applicant being granted a license. (Bus. & Prof. Code section 26057.). Furthermore, Prop 64

	specifically requires that cultivation be conducted in accordance with state and local laws related to land conversion, grading, electricity use etc.
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Population and Housing

Population and Housing (State)	
State Housing Element Law	State law (Government Code Section 65580-65589.8) recognizes the vital role local governments play in the supply and affordability of housing. Local governments in California are required to adopt a comprehensive, long-term general plan for the physical development of the jurisdiction, including a Housing Element. Housing Element law, enacted in 1969, mandates that local governments adequately plan to meet the existing and projected housing needs of all economic segments of the community. The law acknowledges that, in order for the private market to adequately address housing needs and demand, local governments must adopt land use plans and regulatory systems which provide opportunities for, and do not unduly constrain, housing development. Housing Element law also requires the California Department of Housing and Community Development (HCD) to review local Housing Elements for compliance with state law and to report its written findings to the local government.

Public Services

Public Services (Federal)	
CFR Title 29	Under 29 CFR 1910.38, when required by an Occupational Safety and Health Administration (OSHA) standard, 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 Occupational Safety and Health Administration (Cal-OSHA)	The California Occupational Safety and Health Administration (CAL-OSHA) requires that a minimum of two firefighters, operating as a team, conduct interior firefighting operations while a minimum of two firefighters must be positioned outside and remain capable of rapid intervention and rescue if needed pursuant to the State of California’s “Two-In, Two-out” law [29 CFR 1910.134(g)(4)]. If there are only three firefighters assigned to a fire engine, the engine company must wait for back-up to arrive before being able to engage in interior firefighting operations to be in compliance with CAL-OSHA regulations.
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.
California Code of Regulations Sections 17620 and 65995	California Code of Regulations (CCR) Section 17620 authorizes school districts to levy a fee, charge, dedication, or other requirement against any construction of new residential, commercial, and industrial uses within their boundaries to fund the construction of new schools or school facilities. CCR Section 65995 limits the maximum fee that school districts can assess. Section 65996 designates Section 17620 of the Education Code and Section 65970 of the Government Code to be the exclusive method for considering and mitigating development impacts on school facilities.

Transportation and Circulation

Transportation and Circulation (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.
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 Energy Conservation

Utilities and Energy Conservation (State)	
AB 939 (1989)	AB 939, the California Integrated Waste Management Act, mandates management of non-hazardous solid waste throughout the State of California. The purpose of AB 939 is to reduce, recycle, and reuse solid waste generated in the state to the maximum extent feasible; improve regulation of existing solid waste landfills; ensure that new solid waste landfills are environmentally sound; streamline permitting procedures for solid waste management facilities; and specify the responsibilities of local governments to develop and implement integrated waste management programs. AB 939 sets forth policies and requirements for the state and local governments. Among them is a hierarchy of preferred waste management practices. The highest priority is to reduce the amount of waste generated at its source (source reduction). Second in the hierarchy is to reuse, by extending the life of existing products and recycling those wastes that can be reused as components or feed stock for the manufacture of new products, and by composting organic materials. Source reduction, reuse, recycling and composting are jointly referred to as waste diversion methods because they divert waste from disposal. Third and lowest in the hierarchy is disposal by environmentally safe transformation in a landfill. AB 939 and Public Resources Code section 41780 enforce this prioritization by requiring that all local jurisdictions, cities, and counties divert 50 percent of the total waste stream from landfill disposal by the year 2000 and each year thereafter (using 1990 as the base year). Each local jurisdiction must demonstrate compliance by instituting source reduction programs.
California Department of Water Resources (DWR)	The California Department of Water Resources (DWR) manages the state's water resources. DWR, which is responsible for regional water planning management, oversees a variety of health- and safety-related measures, including measures to ensure the safety of dams.
State Water Resources Control Board Order No. 2006-0003	The SWRCB General Waste Discharge Requirement for Sanitary Sewer Systems (SWRCB Order No. 2006-0003) requires wastewater agencies to evaluate and rehabilitate sewer systems, with a target of zero sewer overflows.
State Assembly Bill 341	This state law was enacted in 2011 and amends the Public Resources Code relating to solid waste to set a goal for the state to recycle 70 percent of waste by year 2020. The bill identifies composting of organic materials as a method of attaining this goal.
PRC Division 30, Part 2, Chapter 4, Section 41701	The Division and Chapter of the Public Resources Code requires all jurisdictions in the state to plan manage disposal capacity for waste that cannot be reduced, recycled, or composted.