APPENDIX A

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

(October 2021)

FREQUENTLY USED ABBREVIATIONS

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

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

APPENDIX A

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

MULTIPLE ENVIRONMENTAL ISSUES

Federal

None.

State

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

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

California State Lands Commission (CSLC) and School Lands Management

School Lands were granted to the State of California on March 3, 1853, by an Act of Congress (Ch. 145, 10 Stat. 244) for the purpose of supporting public schools. These lands consisted of the 16th and 36th sections of land in each township, save lands reserved for other public purposes; lands previously conveyed, e.g., rancho lands, sovereign lands, and swamp or overflowed lands; and lands known to be mineral in character. A supplementary act in 1927 expanded the grant to include minerals (Ch. 57, 44 Stat. 1026). No federal patents to the State were required under the grant; title to the lands was vested in the State upon approval of the U.S. Township Survey Plats.

School lands were placed into a statutory trust in 1984 when the Legislature enacted the School Land Bank Act and established the School Land Bank Fund. The CSLC is the trustee of the Fund. School lands and attendant interests are to be proactively managed and enhanced to provide an economic base in support of public schools. The Act requires the CSLC to take all action necessary to fully develop school lands, indemnity interests, and attendant mineral interests into a permanent and productive resource base. Public Resources Code section 8701 emphasizes developing school lands in this manner and underscores that all transactions, including exchanges, sales, and acquisitions, should be implemented for revenue-generating purposes.

Public Resources Code section 6217.7 requires that the CSLC deposit all net revenues, monies, and remittances from the sale of school lands into the State Treasury to the credit of the School Land Bank Fund. Public Resources Code section 6217.5 requires, with one exception, that all net revenues, monies, and remittances from school and indemnity lands (i.e., royalties, rents, and interest generated from promissory notes) are deposited into the State Treasury to the credit of the Teachers' Retirement Fund, which benefits the California State Teachers' Retirement System (CalSTRS).

The CSLC's priorities in administering the School Lands Program are to maximize revenue and reserved mineral interests to benefit CalSTRS and to protect the assets of the School Land Bank Fund.

AESTHETICS/LIGHT AND GLARE

Federal

California Desert Conservation Area (CDCA) Plans as amended (BLM, 1999)

For any federal lands administered by the U.S. Bureau of Land Management, and thus subject to the CDCA, aesthetic or visual resources are to be administered according to the BLM Visual Resource Management (VRM) System. Although the CDCA Plan did not include BLM VRM System classes, the Barstow Field Office conducted a Visual Resource Inventory (VRI) in 2010, which serves as the information base for designation of VRM classes.

The CDCA Plan was amended by the BLM Desert Renewable Energy Conservation Plan Land Use Plan Amendment in 2016.

State

California Scenic Highway Program (Streets & Highways Code, § 260 et seq.)

The purpose of California's Scenic Highway Program, which was created by the Legislature in 1963 and is managed by Caltrans, is to preserve and protect scenic highway corridors from change which would diminish the aesthetic value of lands adjacent to highways (Caltrans 2008). State highways identified as scenic, or eligible for designation, are listed in Streets and Highways Code section 260 et seq.

AIR QUALITY

Federal

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

The FCAA requires the U.S. Environmental Protection Agency (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 (CO_2) is an air pollutant as defined under the FCAA, and that the USEPA has authority to regulate greenhouse gas (GHG) emissions.

On-Road Trucks Emission Standards.

To reduce emissions from on-road, heavy-duty diesel trucks, the USEPA established a series of cleaner emission standards for new engines, starting in 1988. These emission standards regulations have been revised over time. The latest effective regulation, the 2007 Heavy-Duty Highway Rule, provides for reductions in PM, NOx, and non-methane hydrocarbon emissions that were phased in during the model years 2007 through 2010 (USEPA 2000).

State

California Clean Air Act of 1988 (CCAA)

The CCAA requires all air districts in the State to endeavor to achieve and maintain State ambient air quality standards for ozone, carbon monoxide, sulfur dioxide, nitrogen

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

Air Toxics Hot Spots Information and Assessment Act (Health & Safety Code, § 44300 et seq.)

The Air Toxics Hot Spots Information and Assessment Act provides for the regulation of over 200 toxic air contaminants, including diesel particulate matter. Under the Act, local air districts may request that a facility account for its toxic air contaminant emissions. Local air districts then prioritize facilities on the basis of emissions, and high priority designated facilities are required to submit a health risk assessment and communicate the results to the affected public.

California Air Resources Board Programs, Regulations, and Standards

- **California Diesel Fuel Regulations** (Cal. Code Regs., tit. 13, §§ 2281-2285; Cal. Code Regs., tit. 17, § 93114). In 2004, the CARB set limits on the sulfur content of diesel fuel sold in California for use in on-road and off-road motor vehicles. Harbor craft and intrastate locomotives were later included by a 2004 rule amendment (CARB 2005a). Under this rule, diesel fuel used in motor vehicles except harbor craft and intrastate locomotives has been limited to 500 ppm sulfur since 1993. The sulfur limit was reduced to 15 ppm beginning on September 1, 2006. Diesel fuel used in harbor craft in the South Coast Air Basin also was limited to 500 ppm sulfur starting January 1, 2006 and was lowered to 15 ppm sulfur on September 1, 2006. Diesel fuel used in intrastate locomotives (switch locomotives) was limited to 15 ppm sulfur starting on January 1, 2007.
- **California Diesel Risk Reduction Plan**. CARB has adopted several regulations that are meant to reduce the health risk associated with on- and off-road and stationary diesel engine operation. This plan recommends many control measures with the goal of an 85 percent reduction in diesel particulate matter emissions by

2020. The regulations noted below, which may also serve to significantly reduce other pollutant emissions, are all part of this risk reduction plan.

- **Emission Standards for On-Road and Off-Road Diesel Engines**. Similar to the USEPA for on-road and off-road emissions described above, the CARB has established emission standards for new on-road and off-road diesel engines. These regulations have model year-based emissions standards for NOx, hydrocarbons, CO, and PM.
- **Heavy Duty Diesel Truck Idling Rule/Regulation**. This CARB rule became effective February 1, 2005, and prohibits heavy-duty diesel trucks from idling for longer than 5 minutes at a time, unless they are queuing and provided the queue is located beyond 100 feet from any homes or schools (CARB 2006).
- **In-Use Off-Road Vehicle Regulation** (Cal. Code Regs., tit. 13, § 2449). The State has also enacted a regulation to reduce diesel particulate matter and criteria pollutant emissions from in-use off-road diesel-fueled vehicles. This regulation provides target emission rates for PM and NOx emissions from owners of fleets of diesel-fueled off-road vehicles, and applies to off-road equipment fleets of three specific sizes, as follows:
    - Small Fleet – Fleet or municipality with equipment totaling less than or equal to 2,500 hp, or municipal fleet in lower population area, captive attainment fleet, or non-profit training center regardless of horsepower
    - Medium Fleet – Fleet with equipment totaling 2,501 to 5,000 hp
    - Large Fleet – Fleet with equipment totaling more than 5,000 hp, or all State and federal government fleets regardless of total hp

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

    - Limit on idling, requiring a written idling policy, and disclosure when selling vehicles
    - Require all vehicles to be reported to CARB (using the Diesel Off-Road Online Reporting System, DOORS) and labeled
    - Restrict the adding of older vehicles into fleets starting on January 1, 2014
    - Require fleets to reduce their emissions by retiring, replacing, or repowering older engines, or installing Verified Diesel Emission Control Strategies (i.e., exhaust retrofits) (CARB 2014)
- **Off-Road Mobile Sources Emission Reduction Program**. The CCAA mandates that CARB achieve the maximum degree of emission reductions from all off-road mobile sources (e.g., construction equipment, marine vessels, and harbor craft) to attain state ambient air quality standards. Tier 2, Tier 3, and Tier 4 exhaust

emissions standards apply to off-road equipment. In addition, CARB fleet requirements specify how equipment that is already in use can be retrofitted to achieve lower emissions using the CARB-verified retrofit technologies. USEPA standards for marine compression-ignition engines address NOx and diesel particulate matter emissions, depending on engine size and year of manufacture. Tier 2 standards for marine engines were phased in for model years 2004 to 2007, and Tier 3 standards were phased in for currently available technologies to reduce NOx and PM, starting in 2009.

- **Statewide Portable Equipment Registration Program (PERP).** The PERP establishes a uniform program to regulate portable engines and portable engine-driven equipment units (CARB 2005b). Once registered in the PERP, engines and equipment units may operate throughout California without the need to obtain individual permits from local air districts, if the equipment is located at a single location for no more than 12 months.

Health and Safety Code

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

BIOLOGICAL RESOURCES

Federal

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

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

determined to be critical habitat. Section 9 prohibits the "take" of any member of a listed species.

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

Migratory Bird Treaty Act (MBTA) (16 U.S.C. §§ 703-712)

The MBTA prohibits the take, possession, import, export, transport, selling, purchase, barter, or offering for sale, purchase, or barter, of any migratory bird, their eggs, parts, and nests, except as authorized under a valid permit (50 CFR 21.11). The USFWS issues permits for take of migratory birds for activities such as scientific research, education, and depredation control, but does not issue permits for incidental take of migratory birds.

Executive Orders (EO)

- EO 13112 requires federal agencies to use authorities to prevent introduction of invasive species, respond to and control invasions, and provide for restoration of native species and habitat conditions in invaded ecosystems; also established the Invasive Species Council, which prepares a National Invasive Species Management Plan that details and recommends performance-oriented goals and objectives and measures of success for federal agencies.
- EO 13186 sets forth responsibilities of federal agencies to protect migratory birds.

Bald and Golden Eagle Protection Act (BGEPA; 16 USC Section 668)

The Bald and Golden Eagle Protection Act (BGEPA) prohibits the take, possession, and commerce of bald eagles and golden eagles. Under the BGEPA and subsequent rules published by the USFWS, "take" may include actions that injure an eagle or affect reproductive success (productivity) by substantially interfering with normal behavior or causing nest abandonment. The USFWS can authorize incidental take of bald and golden eagles for otherwise lawful activities.

State

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

The CESA provides for the protection of threatened, endangered, and candidate species of plants and animals, as recognized by the CDFW, and prohibits the taking of such species without its authorization. Under the CESA, the CDFW has the responsibility for maintaining a list of threatened species and endangered species (Fish & G. Code, § 2070). The CDFW also maintains a list of candidate species, which are species that the CDFW has formally noticed as under review for addition to the threatened or endangered species lists. The CDFW also maintains lists of Species of Special Concern that serve as watch lists. The CESA also allows the CDFW to authorize the take of threatened, endangered, and candidate species if that take is incidental to otherwise lawful activities (§ 2081, subd. (b)).

California Fish and Game Code section 1600 et seq. (Lake and Streambed Alteration Agreement), section 1900 et seq. (California Native Plant Protection Act); sections 3503 & 3503.5 (birds of prey); sections 3511 (birds), 4700 (mammals), 5050 (reptiles and amphibians), & 5515 (fish); section 3513 (migratory birds)

- The Lake and Streambed Alteration Program (Fish & G. Code § 1600 et seq) is an agreement that is regulated through the California Department of Fish and Wildlife (CDFW) in order to protect California's fish, wildlife, and native plant resources. The notification process applies to all perennial, intermittent, and ephemeral rivers, streams, and lakes in the state.
- Section 1900 et seq. (California Native Plant Protection Act) is intended to preserve, protect, and enhance endangered or rare native plants in California. Under section 1901, a species is endangered when its prospects for survival and reproduction are in immediate jeopardy from one or more causes. A species is rare when, although not threatened with immediate extinction, it is in such small numbers throughout its range that it may become endangered. The Act includes provisions that prohibit taking of listed rare or endangered plants from the wild and a salvage requirement for landowners.
- Sections 3503 and 3503.5 prohibit take and possession of native birds' nests and eggs from all forms of needless take and provide that it is unlawful to take, possess, or destroy and birds in the orders of Falconiformes or Strigiformes (birds-of-prey) or to take, possess, or destroy the nests or eggs of any such bird except as otherwise provided by this Code or any regulation adopted pursuant thereto.
- Section 3513 prohibits the take or possession of "any migratory nongame bird as designated in the Migratory Bird Treaty Act or any part of such migratory nongame bird except as provided by rules and regulations adopted by the Secretary of the Interior under provisions of the Migratory Treaty Act."

- California Fish and Game Code sections 3511, 4700, 5050, and 5515 designate 37 species of wildlife as "Fully Protected" in California. The classification of "Fully Protected" prohibits incidental take of the species designated as fully protected except as authorized under a Natural Communities Conservation Plan. Most Fully Protected Species have also been listed as threatened or endangered species under CESA.

California Department of Food and Agriculture's California Noxious and Invasive Weed Action Plan

The California Invasive Weed Awareness Coalition requested that the California Department of Food and Agriculture (CDFA) lead the development of a state weed action plan in 2002. The CDFA organized a steering committee and held a State Weed Summit in 2003. Subsequently, the initial action plan framework, established at the Summit, has been reviewed and refined by weed control workers and interested parties throughout the state.

The California Noxious & Invasive Weed Action Plan provides a blueprint for the areas that need to be addressed. The Weed Action Plan has identified comprehensive needs that if addressed, will enable some of the most serious impacts from noxious and invasive weeds to be prevented or minimized. Plan elements include guidelines for inventory, monitoring, evaluation, restoration, eradication and management, and more.

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 of 1979 (ARPA) (P.L. 96-95; 93 Stat. 712)

The ARPA states that archaeological resources on public or Indian lands are an accessible and irreplaceable part of the nation's heritage and:

- Establishes protection for archaeological resources to prevent loss and destruction due to uncontrolled excavations and pillaging
- Encourages increased cooperation and exchange of information between government authorities, the professional archaeological community, and private individuals having collections of archaeological resources prior to the enactment of this Act
- Establishes permit procedures to permit excavation or removal of archaeological resources (and associated activities) located on public or Indian land
- Defines excavation, removal, damage, or other alteration or defacing of archaeological resources as a "prohibited act" and provides for criminal and monetary rewards to be paid to individuals furnishing information leading to the finding of a civil violation or conviction of a criminal violator.

An anti-trafficking provision prohibits interstate or international sale, purchase, or transport of any archaeological resource excavated or removed in violation of a state or local law, ordinance, or regulation. ARPA's enforcement provision provides for criminal and civil penalties against violators of the Act. The ARPA's permitting component allows for recovery of certain artifacts consistent with National Park Service (NPS) Federal Archeology Program standards and requirements.

National Historic Preservation Act of 1966 (NHPA) (16 U.S.C. § 470 et seq. [recodified at 54 U.S.C. § 300101]) and implementing regulations (Protection of Historic Properties; 36 CFR 800) (applies only to federal undertakings)

Archaeological resources are protected through the NHPA and its implementing regulation (Protection of Historic Properties; 36 CFR 800), the AHPA, and the ARPA. The NHPA 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 California 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 on, or eligible for inclusion on, the National Register, including artifacts, records, and material remains relating to the district, site, building, structure, or object" (54 U.S.C. § 300308).

Omnibus Public Land Management Act of 2009 - Public Law 111-11 (123 Stat. 991)

Public Law 111-011 at Title VI, subtitle D lays out statutory requirements for Paleontological Resources Preservation (PRP). PRP provides definitions but requires the definition of some terms and uses other terms and concepts that need further definition or details to clarify intent or enforcement. PRP identifies management requirements, collection requirements, curation requirements, need for both criminal and civil penalties, rewards and forfeiture, and the need for confidentiality of some significant resource locations.

State

California Register of Historical Resources (CRHR)

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

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

A resource eligible for the CRHR must meet one of the criteria of significance above and retain enough of its historic character or appearance (integrity) to be recognizable as an historical resource and to convey the reason for its significance. An historic resource that may not retain sufficient integrity to meet the criteria for listing in the NRHP, may still be eligible for listing in the CRHR. Properties listed, or formally

designated as eligible for listing, on the National Register are automatically listed on the CRHR, as are certain State Landmarks and Points of Interest. A lead agency is not precluded from determining that the resource may be an historical resource as defined in Public Resources Code sections 5020.1, subdivision (j), or 5024.1 (CEQA Guidelines, § 15064.5, subd. (a)(4)).

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

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

Other

Public Resources Code section 5097.5. This law prohibits excavation or removal of any "historic or prehistoric ruins, burial grounds, archaeological or vertebrate paleontological site, including fossilized footprints, inscriptions made by human agency, rock art, or any other archaeological, paleontological or historic feature, situated on public lands, except with the express permission of the public agency having jurisdiction over the lands."

Penal Code section 623. This provides for the protection of caves, including their natural, cultural, and paleontological contents. It specifies that no "material" (including all or any part of any paleontological item) will be removed from any natural geologically formed cavity or cave.

CULTURAL RESOURCES – TRIBAL

Federal

National Environmental Policy Act (NEPA)

NEPA (1969, as amended) requires analysis of potential environmental impacts to important historic, cultural, and natural aspects of our national heritage (42 U.S.C. §§ 4321-4375; 40 C.F.R. §§ 1500-1508). The discussion of impacts pursuant to NEPA is defined by the Council on Environmental Quality (CEQ) regulations and requires consideration of the temporal scale, spatial extent, and intensity of the change that would be introduced by the Proposed Project.

Native American Graves Protection and Repatriation Act of 1990 (P.L. 101-601; 104 Stat. 3049)

This Act is intended to provide for repatriation of human remains, funerary items, sacred objects, and objects of cultural patrimony when lineal descendants, Indian tribes, or Native Hawaiian organizations request it. The Act assigns ownership or control of Native American remains and associated objects that are excavated or discovered on federal lands or tribal lands after passage of the Act to lineal descendants or affiliated Indian tribes or Native Hawaiian organizations; and establishes criminal penalties for trafficking in human remains or cultural objects. The Act also requires federal agencies and museums that receive federal funding to inventory Native American human remains and associated funerary objects in their possession or control and identify their cultural and geographical affiliations within 5 years, and requires that they prepare summaries of information about Native American unassociated funerary objects, sacred objects, or objects of cultural patrimony.

Archaeological Resources Protection Act

If federal or Indian lands are involved, the Archeological Resources Protection Act (ARPA) may impose additional requirements on an agency. ARPA: (1) Prohibits unauthorized excavation on federal and Indian lands; (2) Establishes standards for permissible excavation; (3) Prescribes civil and criminal penalties; (4) Requires agencies to identify archeological sites; and (5) Encourages cooperation between federal agencies and private individuals.

Antiquities Act of 1906

The Antiquities Act of 1906 states, in part: That any person who shall appropriate, excavate, injure, or destroy any historic or prehistoric ruin or monument, or any object of antiquity, situated on lands owned or controlled by the Government of the United States, without the permission of the Secretary of the Department of the Government having jurisdiction over the lands on which said antiquities are situated, shall upon conviction, be fined in a sum of not more than five hundred dollars or be imprisoned for a period of not more than ninety days, or shall suffer both fine and imprisonment, in the discretion of the court.

EO 13007, Indian Sacred Sites

EO 13007 requires federal agencies with administrative or legal responsibility to manage federal lands to accommodate access to and ceremonial use of Indian sacred sites by Indian religious practitioners and avoid adversely affecting the physical integrity of such sites (to the extent practicable permitted by law and not clearly inconsistent with essential agency functions).

State

CEQA (Pub. Resources Code, § 21073, 21074, 21080.3.1, 21080.3.2, 21082.3, 21083.09, 21084.2, and 21084.3) [AB 52 (Gatto, Chapter 532, Statutes of 2014)]

These sections, added pursuant to AB 52, relate to consultation with California Native American tribes, consideration of tribal cultural resources, and confidentiality. The definition of tribal cultural resources considers tribal cultural values in addition to scientific and archaeological values when determining impacts and mitigation. AB 52 provides procedural and substantive requirements for lead agency consultation with California Native American tribes and consideration of effects on tribal cultural resources, as well as examples of mitigation measures to avoid or minimize impacts to tribal cultural resources. AB 52 establishes that if a project may cause a substantial adverse change in the significance of a tribal cultural resource, that project may have a significant effect on the environment. Lead agencies must avoid damaging effects to tribal cultural resources, when feasible, and shall keep information submitted by tribes confidential.

CEQA Guidelines section 15064.5

This code requires that excavation activities be stopped whenever human remains are uncovered and that the County coroner be called in to assess the remains. If the County coroner determines that the remains are those of Native Americans, the Native American Heritage Commission (NAHC) must be contacted within 24 hours. At that time, the lead agency must consult with the appropriate Native Americans as identified by the NAHC and the lead agency, under certain circumstances, should develop an agreement with the Native Americans for the treatment and disposition of the remains.

Health and Safety Code section 7050.5

This section provides for treatment of human remains exposed during construction; no further disturbance may occur until the County Coroner makes findings as to origin and disposition pursuant to Public Resources Code section 5097.98. The Coroner has 24 hours to notify the Native American Heritage Commission NAHC if the remains are determined to be of Native American descent. The NAHC contacts most likely descendants about how to proceed.

Public Resources Code section 5097.98

This section provides: (1) a protocol for notifying the most likely descendent from the deceased if human remains are determined to be Native American in origin; and (2) mandated measures for appropriate treatment and disposition of exhumed remains.

EO B-10-11

EO B-10-11 establishes as state policy that all agencies and departments shall encourage communication and consultation with California Indian Tribes and allow tribal governments to provide meaningful input into proposed decisions and policies that may affect tribal communities.

ENERGY

Federal

Federal Power Act (18 C.F.R. section 35.13) (2021)

FERC regulates the interconnection of large electricity generators with regulated electric utilities (including SCE). This covers the Large Generator Interconnection Procedures and the Large Generator Interconnection Agreement. These procedures require all generators under FERC jurisdiction with the generating capacity more than 20 MW to follow standard procedures to interconnect with the electricity grid.

Federal Power Act (18 C.F.R. section 205.3(d)(3) of the Formula Rate Protocols

FERC govern SCE's Transmission Owner Tariff's (the rates that SCE charges to carry electricity generated by others on its transmission lines). SCE files regular updates with FERC defining its formulas for calculating rates.

FERC Standards of Conduct for Transmission Providers

On April 2, 2020, FERC created a Standards of Conduct Task Force that defines a range of requirements that SCE must comply with, including handling of non-public transmission function information, use of shared facilities, procedures for merger partners, and coordination with affiliates.

State

Energy Action Plan and Loading Order

California has mandated and implemented aggressive energy-use reduction programs for electricity and other resources. In 2003, California's first Energy Action Plan (EAP) established a high-level, coherent approach to meeting California's electricity and natural gas needs and set forth the "loading order" to address California's future energy needs. The "loading order" established that the state, in meeting its energy needs, would invest first in energy efficiency and demand-side resources, followed by renewable resources, and only then in clean conventional electricity supply (CPUC, 2008). Since that time, the CPUC and California Energy Commission (CEC) have

overseen the plans, policies, and programs for prioritizing the preferred resources, including energy efficiency and renewable energy.

Senate Bill 100

On September 10, 2018, SB 100 was passed, making California the second state in the nation with a deadline to move to 100% zero-carbon electricity. SB 100 will accelerate California's renewable portfolio standard (RPS) requirements of electricity utility providers to 50% renewable energy sources by 2025, 60% by 2030, and will require that the next 40% comes from zero-carbon sources of electricity by 2045.

CEQA Guidelines

The California Natural Resources Agency adopted certain amendments to the CEQA Guidelines effective in 2019, to change how CEQA Lead Agencies consider the environmental impacts of energy use. The CEQA Guidelines, section 15126.2(b) requires analysis of a project's energy use in order to assure that energy implications are considered in project decisions. CEQA requires a discussion of the potential environmental effects of energy resources used by projects, with particular emphasis on avoiding or reducing the "wasteful, inefficient, and unnecessary consumption of energy" (see Public Resources Code section 21100(b)(3)).

GEOLOGY AND SOILS

Federal/International

International Building Code (IBC)

The IBC is published by the International Code Council (ICC); the scope of this code covers major aspects of construction and design of structures and buildings, except for three-story one- and two-family dwellings and town homes. The International Building Code has replaced the Uniform Building Code as the basis for the California Building Code and contains provisions for structural engineering design. The 2021 IBC addresses the design and installation of structures and building systems through requirements that emphasize performance. This code sets includes design standards to accommodate a maximum considered earthquake (MCE), based on a project's regional location, site characteristics, and other factors. The IBC includes codes governing structural as well as fire- and life-safety provisions covering seismic, wind, accessibility, egress, occupancy, and roofs.

State

Alquist-Priolo Earthquake Fault Zoning Act (Pub. Resources Code, §§ 2621-2630)

The Alquist-Priolo Earthquake Fault Zoning Act of 1972, Public Resources Code sections 2621–2630 (formerly the Special Studies Zoning Act) regulates development and construction of buildings intended for human occupancy to avoid the hazard of surface fault rupture. 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. (Note that since only those potentially active faults that have a relatively high potential for ground rupture are identified as fault zones, not all potentially active faults are zoned under the Alquist-Priolo Earthquake Fault Zone, as designated by the State of California.)

California Building Code (CBC) (Cal. Code Regs., tit. 24)

The California Building Code Title 24 provides building codes and standards for design and construction of structures in California. The CBC is based on the (IBC) but has been modified for California conditions. The CBC contains requirements pertaining to multiple activities including: excavation, site demolition, foundations and retaining walls, grading activities including drainage and erosion control, and construction of pipelines alongside existing structures. Chapter 16 of the CBC contains specific requirements for seismic safety. Chapter 18 of the CBC regulates excavation, foundations, and retaining walls. Chapter 33 of the CBC contains specific requirements pertaining to site demolition, excavation, and construction to protect people and property from hazards associated with excavation cave-ins and falling debris or construction materials. Chapter 70 of the CBC regulates grading activities, including drainage and erosion. Construction activities are subject to occupational safety standards for excavation, shoring, and trenching, as specified in the State of California Division of Occupational Safety and Health (commonly called Cal/OSHA) regulations (Title 8 of the CCR) and in Section A33 of the CBC. The CBC is selectively adopted by local jurisdictions, based on local conditions.

Seismic Hazards Mapping Act & Mapping Regs (Pub. Resources Code, § 2690- § 2699; Cal. Code Regs., tit. 14, div. 2, ch. 8, art. 10)

These regulations were promulgated to promote public safety by protecting against the effects of strong ground shaking, liquefaction, landslides, other ground failures, or other hazards caused by earthquakes. The Act requires that site-specific geotechnical investigations be conducted identifying the hazard and formulating mitigation measures prior to permitting most developments designed for human occupancy.

CGS Special Publication 117A, *Guidelines for Evaluating and Mitigating Seismic Hazards in California* (California Geological Survey [CGS] 2008), provides 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). Nothing in these Guidelines is intended to conflict with or supersede any requirement, definition, or other provision of Chapter 7.8 of the Public Resources Code; California Code of Regulations, Title 14, Division 2, Chapter 8, Article 10; the Business and Professions Code; or any other state law or regulation.

CPUC General Order 95 (GO 95)

CPUC GO 95 contains State of California rules formulated to provide uniform requirements for overhead electrical line and communication systems construction to ensure adequate service and secure safety to persons engaged in the construction, maintenance, operation or use of overhead electrical lines communication systems and to the public. GO 95 is not intended as complete construction specifications, but to embody requirements which are most important from the standpoint of safety and service. Construction shall be according to accepted good practice for the given local conditions in all particulars not specified in the rules. GO 95 applies to all overhead electrical supply and communication facilities which come within the jurisdiction of the California Public Utilities Commission, located outside of buildings, including facilities that belong to non-electric utilities, as follows: Construction and Reconstruction of Lines, Maintenance of Lines, Lines Constructed Prior to This Order, Reconstruction or Alteration, Emergency Installation, and Third Party Nonconformance.

GREENHOUSE GAS EMISSIONS

Federal/International

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

The federal Clean Air Act established National Ambient Air Quality Standards (NAAQS) in 40 CFR Part 50. The NAAQS include both primary (protective of human health) and secondary (protective of property and natural ecosystems) standards for “criteria” air pollutants such as: ozone, carbon monoxide, nitrogen dioxide, sulfur dioxide, particulate matter less than 10 microns in diameter, and particulate matter less than 2.5 microns in diameter. Regions with air quality levels that exceed NAAQS are designated as “nonattainment” and regions with air quality levels that are less than or equal to NAAQS are designated as “attainment”.

Mandatory Greenhouse Gas Reporting (74 FR 56260)

On September 22, 2009, the USEPA issued the Mandatory Reporting of Greenhouse Gases Rule, which requires reporting of GHG data and other relevant information from

large sources (industrial facilities and power plants that emit more than 25,000 metric tons of carbon dioxide–equivalent ($MTCO_2e$) emissions per year) in the U.S. The purpose of the Rule is to collect accurate and timely GHG data to inform future policy decisions. The Rule is referred to as 40 CFR Part 98 (Part 98). Gases covered by implementation of Part 98 (GHG Reporting Program) are: CO_2, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, sulfur hexafluoride, and other fluorinated gases including nitrogen trifluoride and hydrofluorinated ethers.

State

California Global Warming Solutions Act of 2006 (AB 32, Nunez, Chapter 448, Statutes of 2006)

Under AB 32, CARB is responsible for monitoring and reducing GHG emissions in the State and for establishing a statewide GHG emissions cap for 2020 based on 1990 emissions levels. CARB has adopted the AB 32 Climate Change Scoping Plan (Scoping Plan), initially approved in 2008 and updated in 2014, which contains the main strategies for California to implement to reduce CO_2e emissions by 169 million metric tons (MMT) from the State's projected 2020 emissions level of 596 MMT CO_2e under a business-as-usual scenario. The Scoping Plan breaks down the amount of GHG emissions reductions CARB recommends for each emissions sector of the State's GHG inventory but does not directly discuss GHG emissions generated by construction activities.

California Global Warming Solutions Act of 2016: emissions limit (SB 32, Pavley, Chapter 249, Statutes of 2016)

SB 32 requires a reduction in statewide GHG emissions to 40 percent below 1990 levels by 2030. The 2017 Climate Change Scoping Plan provides a path to meet the SB 32 GHG emissions reduction goals and provides several GHG emissions reduction strategies to meet the 2030 interim GHG emissions reduction target including implementation of the Sustainable Freight Action Plan, Diesel Risk Reduction Plan, Renewable Portfolio Standard (50 percent by 2030), Advanced Clean Cars policy, and Low Carbon Fuel Standard.

CEQA: Greenhouse Gas Emissions (SB 97, Dutton, Chapter 249, Statutes of 2007)

Pursuant to SB 97, the State Office of Planning and Research prepared, and the Natural Resources Agency adopted amendments to the 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; CEQA Guidelines section 15064.4 was also added to provide an approach to assessing impacts from GHGs.

As discussed in CEQA Guidelines section 15064.4, the determination of the significance of GHG emissions calls for a careful judgment by the lead agency, consistent with the provisions in section 15064. Section 15064.4 further provides that a lead agency should make a good-faith effort, to the extent possible, on scientific and factual data, to describe, calculate, or estimate the amount of GHG emissions resulting from a project. The lead agency's analysis should be on the project's effect on climate change, rather than simply focusing on the quantity of emissions and how that quantity of emissions compares to statewide and global emissions. Additionally, a lead agency shall have discretion to determine, in the context of a particular project, whether to:

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

Clean Energy and Pollution Reduction Act (SB 350, De León, Chapter 547, Statutes of 2015)

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.

Low Carbon Fuel Standard (LCFS)

The LCFS is designed to decrease the carbon intensity of California's transportation fuel pool and provide an increasing range of low-carbon and renewable alternatives, which reduce petroleum dependency and achieve air quality benefits. Providers of transportation fuels must demonstrate that the mix of fuels they supply for use in California meets the LCFS carbon intensity standards for each annual compliance period. In 2018, the California Air Resources Board approved amendments to the regulation, which include strengthening and smoothing the carbon intensity benchmarks

through 2030. Transportation fuels used in the construction and operation of the Project would be subject to the LCFS.

Sulfur Hexafluoride (SF6) Emissions Controls (17 CCR 95350)

Requires reducing SF6 emissions from electric power system gas-insulated switchgear. The regulations require owners of such switchgear to: (1) annually report their SF6 emissions; (2) determine the emission rate relative to the SF6 capacity of the switchgear; (3) provide a complete inventory of all gas-insulated switchgear and their SF6 capacities; (4) produce a SF6 gas container inventory; and (5) keep all information current for CARB enforcement staff inspection and verification. Existing and new electric transmission facilities and switchgear associated with renewable energy generation would be subject to this regulation.

Cap-and-Trade Program (17 CCR 95800 to 96022)

Covers in-state generators of electricity that create combustion emissions of GHG from stationary sources. Renewable energy facilities eligible under the RPS or having GHG emissions less than 25,000 MTCO2e are not subject to cap-and-trade.

Other Legislation

AB 1493 (Pavley, Chapter 200, Statutes of 2002) 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 beginning with model year 2009. After adopting these initial greenhouse gas standards for passenger vehicles, CARB adopted continuing standards for future model years, as found in its Interim Joint Technical Assessment Report: Light-Duty Vehicle Greenhouse Gas Emissions Standards and Corporate Average Fuel Economy Standards for Model Years 2017-2025.

AB 2800 (Quirk, Chapter 118, Statutes of 2020) Previously required, in part, that state agencies take into account current and future climate change impacts when planning, designing, building, operating, maintaining, and investing in infrastructure. Revised bill requires state agencies to take into account the economic damages and financial liabilities associated with the above impacts.

SB 375 (Steinberg, Chapter 728, Statutes of 2008) 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. CARB updated the regional targets in 2018.

SB 1383 (Lara, Chapter 395, Statutes of 2016) requires CARB to approve and begin implementing its Short-Lived Climate Pollutant Reduction Strategy by January 1, 2018, to achieve a 40 percent reduction in methane, 40 percent reduction in hydrofluorocarbon gases, and 50 percent reduction in anthropogenic black carbon by 2030, relative to 2013 levels.

SB 1425 (Pavley, Chapter 596, Statutes of 2016) requires the California Environmental Protection Agency to oversee the development of a registry of GHG emissions resulting from the use of water, such as pumping, treatment, heating, and conveyance (the water-energy nexus), using the best available data.

SB 100 (De León, Chapter 312, Statutes of 2018), the 100 Percent Clean Energy Act of 2018, was signed in September 2018. SB 100 increases the RPS to 60% by 2030 and requires renewable energy and zero-carbon resources to supply 100 percent of electric retail sales to end-use customers by 2045.

State EOs

EO B-55-18 mandated accelerating the pace at which California's investor-owned and publicly-owned electricity providers must achieve renewable portfolio standards goals and established a state policy to provide 100% clean energy by December 31, 2045.

EO B-30-15 established a new interim statewide GHG emission reduction target to reduce GHG emissions to 40 percent below 1990 levels by 2030 to ensure California meets its target to reduce GHG emissions to 80 percent below 1990 levels by 2050. State agencies with jurisdiction over sources of GHG emissions to implement measures were also directed, pursuant to statutory authority, to achieve GHG emissions reductions to meet the 2030 and 2050 targets.

HAZARDS AND HAZARDOUS MATERIALS

Federal

California Toxics Rule (40 CFR 131)

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

Resource Conservation and Recovery Act (RCRA) (42 USC § 6901 et seq.)

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

Toxic Substances Control Act (TSCA) (15 USC § 2601-2692)

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

Clean Water Act/SPCC Rule (33 USC § 1251 et seq.), formerly the Federal Water Pollution Control Act of 1972

As part of the CWA, the USEPA oversees and enforces the Oil Pollution Prevention regulation contained in Title 40 of the CFR, Part 112 (Title 40 CFR, Part 112) which is often referred to as the "SPCC rule" because the regulations describe the requirements for facilities to prepare, amend, and implement Spill Prevention, Control, and Countermeasure (SPCC) Plans. A facility is subject to SPCC regulations if a single oil (or gasoline, or diesel fuel) storage tank has a capacity greater than 660 gallons, or the total above ground oil storage capacity exceeds 1,320 gallons, or the underground oil storage capacity exceeds 42,000 gallons, and if, due to its location, the facility could reasonably be expected to discharge oil into or upon the "Navigable Waters" of the United States.

Federal Land Policy and Management Act of 1978 (43 USC 1701 et seq.) and Title 43 Code of Federal Regulations (43 CFR § 9212.2)

The Bureau of Land Management (BLM) is authorized and required to manage federal lands, which includes providing funding, resources, and regulations for prevention and protection of wildland fires. In California, BLM establishes seasonal and year-round fire prevention orders and restrictions to assist with wildland fire prevention efforts throughout federal public lands within the California Desert District (CDD), which consists of Inyo, Imperial, Kern, Mono, Los Angeles, San Bernardino, San Diego, and Riverside counties.

Electrical Hazards and Interference

Radio/TV/Communications/Electronic Equipment Interference. There are no federal regulations with specific numerical limits on high frequency emissions from electric power facilities. Federal Communication Commission (FCC) regulations require that transmission lines be operated so that no harmful communication systems interference is produced (FCC regulations).

Induced Currents and Shock Hazards. The National Electrical Safety Code (NESC) specifies that transmission lines be designed to limit the power line field strength at ground level such that the short circuit current from vehicles or large objects near the line will be no more than 5 milliampere (mA). This requirement serves to limit the magnitude of electrical shock that the public could encounter from induced currents on large ungrounded metal objects in the vicinity of transmission lines. Although the NESC is titled as a "National" code it is intended as a guide standard and does not constitute a regulation unless it is adopted and codified by state or municipal governments. In the case of California, the CPUC has issued GO 95, Rules for Overhead Electric Line Construction, as the relevant standard for transmission lines.

State

CPUC GO 166 provides standards to ensure that electric utilities are prepared for emergencies and disasters to minimize damage and inconvenience to the public that may occur as a result of electric system failures, major outages, or hazards posed by damage to electric distribution facilities and requires that an Emergency Response Plan be prepared.

CPUC GO 95 contains the State of California rules formulated to provide uniform requirements for overhead electrical line construction to ensure adequate service and secure safety to persons engaged in the construction, maintenance, operation, or use of overhead electrical lines and to the public. GO 95 also addresses shock hazards to the public by providing guidelines on minimum clearances to be maintained for practical safeguarding of persons during the installation, operation, or maintenance of overhead transmission lines and their associated equipment.

California Code of Regulations, title 22, division 4.5 regulates hazardous wastes and materials by implementation of a Unified Program to ensure consistency throughout the state in administration requirements, permits, inspections, and enforcement by Certified Unified Program Agencies (CUPAs).

Health & Safety Code, ch. 6.95 – Hazardous Materials Release Response Plans and Inventory, and California Code of Regulations, title 19, division 2, chapter 4 – Hazardous Material Release Reporting, Inventory, and Response Plans, Article 4 (Minimum Standards for Business Plans) establish requirements and minimum

statewide standards for Hazardous Materials Business Plans (HMBP). Business are required to prepare a HMBP if that business uses, handles, or stores a hazardous material or an extremely hazardous material in quantities greater than or equal to the following: 500 pounds of a solid substance; 55 gallons of a liquid; 200 cubic feet of compressed gas; hazardous compressed gas in any amount; and hazardous waste in any quantity.

Fire Code regulations (Cal. Code Regs., tit. 24, part 9) state hazardous materials should be used and storage in compliance with the state fire codes.

Public Resources Code section 4292-4296 specify requirements related to fire protection and prevention in transmission line corridors.

Hazardous Waste Control Act (Cal. Code Regs., tit. 26) defines requirements for proper management of hazardous materials.

Hazardous Waste Control Act (Health & Safety Code, ch. 6.5 & Cal. Code Regs., tit. 22 and 26) establishes criteria for defining hazardous waste and its safe handling, storage, treatment, and disposal (law is designed to provide cradle-to-grave management of hazardous wastes and reduce the occurrence and severity of hazardous materials releases).

California Occupational Safety and Health Administration (Cal/OSHA) is the primary agency responsible for worker safety in the handling and use of 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 (Cal. Code Regs., tit. 8 § 337-340). Cal/OSHA also enforces California Labor Code sections 6360 through 6399.7 and California Code of Regulations, title 8, sections 5191 and 5194 to ensure that both employers and employees understand how to identify potentially hazardous substances in the workplace, understand the health hazards associated with these chemicals, and follow safe work practices.

California Code of Regulations, title 8, division 1 sets forth the Permissible Exposure Limit, the exposure, inhalation, or dermal permissible exposure limit for numerous chemicals. Included are chemicals, mixture of chemicals, or pathogens for which there is statistically significant evidence, based on at least one study conducted in accordance with established scientific principles, that acute or chronic health effects may occur in exposed employees. California Code of Regulations, title 8, sections 5191 and 5194 require a Hazard Communication Plan to ensure both employers and employees understand how to identify potentially hazardous substances in the workplace, understand the associated health hazards, and follow safe work practices.

California Code of Regulations, title 19, division 2 establishes minimum statewide standards for Hazardous Materials Business Plans.

California Code of Regulations, title 24, part 9 (Fire Code regulations) – state hazardous materials should be used and stored in compliance with the state fire codes.

Porter-Cologne Water Quality Control Act of 1967(see Hydrology and Water Quality section of this appendix under State Regulations)

Seismic Hazards Mapping Act/Regulations (see Geology and Soils section of this appendix under State Regulations)

HYDROLOGY AND WATER QUALITY

Federal

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

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

- **Section 401** (33 U.S.C. § 1341) specifies that any applicant for a federal permit or license to conduct any activity which may result in any discharge into the navigable waters of the U.S. must obtain a certification or waiver thereof from the state in which the discharge originates that such a discharge will comply with established state effluent limitations and water quality standards. U.S. Army Corps of Engineers projects are required to obtain this certification.
- **Section 402** (33 U.S.C. § 1342) establishes conditions and permitting for discharges of pollutants under the National Pollutant Discharge Elimination System (NPDES). Under the NPDES Program, states establish standards specific to water bodies and designate the types of pollutants to be regulated, including total suspended solids and oil; all point sources that discharge directly into waterways are required to obtain a permit regulating their discharge. NPDES permits fall under the jurisdiction of the SWRCB or RWQCBs when the discharge occurs within state waters (out to 3 nautical miles).
- **Section 404** (33 U.S.C. § 1344) authorizes the U.S. Army Corps of Engineers to issue permits for the discharge of dredged or fill material into waters of the U.S., including wetlands, streams, rivers, lakes, coastal waters, or other water bodies or aquatic areas that qualify as waters of the U.S.

State

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.

State Water Resources Control Board Policies

Anti-Degradation Policy (Resolution No. 68-16). Requires the RWQCB, in regulating the discharge of waste, to: (a) maintain existing high quality Waters of the State until it is demonstrated that any change in quality will be consistent with maximum benefit to the people of the State, will not unreasonably affect present and anticipated beneficial uses, and will not result in water quality less than that described in State or Regional Water Boards policies; and (b) require that any activity which produces or may produce a waste or increased volume or concentration of waste and which discharges or proposes to discharge to existing high quality waters to meet waste discharge requirements which will result in the best practicable treatment or control of the discharge necessary to assure that: a) a pollution or nuisance will not occur, and b) the highest water quality consistent with maximum benefit to the people of the State will be maintained.

Sources of Drinking Water Policy (Resolution No. 88-63). This policy designates all groundwater and surface Waters of the State as potential sources of drinking water, worthy of protection for current or future beneficial uses, except where: (a) the total dissolved solids are greater than 3,000 milligrams per liter, (b) the well yield is less than 200 gallons per day (gpd) from a single well, (c) the water is a geothermal resource, or in a water conveyance facility, or (d) the water cannot reasonably be treated for domestic use using either best management practices or best economically achievable treatment practices.

Policies and Procedures for Investigations and Clean-up and Abatement of Discharges Under CWC Section 13304 (Resolution No. 92-49). This policy establishes requirements for investigation and cleanup and abatement of discharges. Under this policy, clean-up and abatement actions are to implement applicable provisions of the California Code of Regulations title 23 chapter 15, to the extent feasible. The policy also requires the application of section 2550.4 of chapter 15 when approving any alternative cleanup levels less stringent than background. It requires remediation of the groundwater to the lowest concentration levels of constituents technically and economically feasible, which must at least protect the beneficial uses of groundwater, but need not be more stringent than is necessary to achieve background levels of the constituents in groundwater.

California Storm Water Permitting Program

California Construction Storm Water Program. Construction activities that disturb one acre or more are required to be covered under California's General Permit for Discharges of Storm Water Associated with Construction Activity, Water Quality Order 99-08-DWQ (General Construction Permit CAS 000002).

Activities subject to permitting include clearing, grading, stockpiling, and excavation. The General Construction Permit requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP) that specifies BMPs that will reduce or prevent construction pollutants from leaving the site in stormwater runoff and will also minimize erosion associated with the construction project. The SWPPP must contain site map(s) that show the construction site perimeter; existing and proposed structures and roadways; stormwater collection and discharge points; general topography both before and after construction; and drainage patterns across the site. Additionally, the SWPPP must describe the monitoring program to be implemented.

California Industrial Storm Water Program. Industrial activities with the potential to impact stormwater discharges are required to obtain an NPDES permit for those discharges. In California, an Industrial Storm Water General Permit, Order 97-03-DWQ (General Industrial Permit CAS 000001) may be issued to regulate discharges associated with ten broad categories of industrial activities, including electrical power generating facilities. The General Industrial Permit requires the implementation of management measures that will protect water quality. In addition, the discharger must develop and implement a SWPPP and a monitoring plan. Through the SWPPP, sources of pollutants are to be identified and the means to manage the sources to reduce stormwater pollution described. The monitoring plan requires sampling of stormwater discharges during the wet season and visual inspections during the dry season.

A report documenting the status of the program and monitoring results must be submitted to the applicable RWQCB annually by July 1. The General Industrial Permit, which requires the development and implementation of a SWPPP, is required for the Project's operations phase.

California Water Code

- Section 461 of the California Water Code stipulates that the primary interest of the people of the State of California is the conservation of all available water resources and requires the maximum reuse of reclaimed water as an offset to using potable resources.
- Section 1200 of the California Water Code addresses water rights. All water in California falls within one of three categories: surface water, percolating groundwater, or subterranean streams that flow through known and definite channels. California's water rights law is a hybrid system in that the use of certain types of water requires

a permit from the SWRCB, while other types of uses are governed by common law. Only surface water and subterranean stream water are within the permitting jurisdiction of the SWRCB. Since 1914, appropriation of those waters has required a SWRCB permit and is subject to various permit conditions.

- Percolating groundwater has no SWRCB permit requirement and supports two kinds of rights: (a) overlying rights, a correlative right of equal priority shared by all who own overlying property and use groundwater on the overlying property; and (b) groundwater appropriative rights for use of the overlying property or on overlying property for which the water rights have been severed. The right to use groundwater on property that is not as an overlying right is junior to all overlying rights, but has priority among other appropriators on a first-in-time use basis. Overlying users cannot take unlimited quantities of water without regard to the needs of other users. Surplus groundwater may be appropriated for use on non-overlying lands, provided such use will not create an overdraft condition.
- Riparian water rights, groundwater rights and appropriative rights are all subject to modification to some degree if there is a basin-wide adjudication. This proceeding can be held before the SWRCB as an adjudicative body (not a permitting role) or before a Court. In adjudication, unused riparian rights and unused overlying rights can be subordinated to appropriative rights.
- The California Water Code allows any local public agency that provides water service whose service area includes a groundwater basin or portion thereof that is not subject to groundwater management pursuant to a judgment or other order, to adopt and implement a groundwater management plan (California Water Code Sections 10750 et. seq.). Groundwater management plans often require reports of pumping and some restrictions on usage. The Lucerne Valley Groundwater Basin is subject to a groundwater management plan administered by the Mojave Water Agency (MWA, 2004).
- The California Legislature has found that by reason of light rainfall, concentrated population, the conversion of land from agricultural to urban uses, and heavy dependence on groundwater, the counties of Riverside, Ventura, San Bernardino, and Los Angeles have certain reporting requirements for groundwater pumping. Any person or entity that pumps in excess of 25 acre-feet of water in any one year must file a "Notice of Extraction and Diversion of Water" with the SWRCB (Water Code Sections 4999 et. seq.).

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

The Porter-Cologne Water Quality Control Act of 1967, Water Code Section 13000 et seq., requires the SWRCB and the nine RWQCBs to adopt water quality criteria to protect State waters. These criteria include the identification of beneficial uses, narrative

and numerical water quality standards, and implementation procedures. The criteria for the project area are contained in the Water Quality Control Plan for the Colorado River Basin (RWQCB, 2017). Constraints in the water quality control plans relative to the Project relate primarily to the avoidance of altering the sediment discharge rate of surface waters, and the avoidance of introducing toxic pollutants to the water resource. A primary focus of water quality control plans is to protect designated beneficial uses of waters. In addition, anyone proposing to discharge waste that could affect the quality of the waters of the state must make a report of the waste discharge to the applicable RWQCB or SWRCB as appropriate, in compliance with Porter-Cologne.

Total Maximum Daily Load (TMDL) Program

The California TMDL Program evaluates the condition of surface waters and sets limitations on the amount of pollution that the water can be exposed to without adversely affecting the beneficial uses of those waters. The RWQCBs make a list of waters that are not attaining standards (are impaired) and develop TMDLs to account for all sources of the pollutants that caused the water to be listed. TMDLs are established at the level necessary to implement the applicable water quality standards. When the TMDL is established as a standard, a program of implementation must be designed to implement the TMDL. TMDLs developed by RWQCBs are designed as Regional Basin Plan amendments and include implementation provisions. None of the watercourses on the project site are impaired.

California Code of Regulations

- Title 22, article 3, sections 64400.80 through 64445. This section requires monitoring for potable water wells, defined as non-transient, non-community water systems (serving 25 people or more for more than six months). Regulated wells must be sampled for bacteriological quality once a month and the results submitted to the California Department of Health Care Services (DHCS). The wells must also be monitored for inorganic chemicals once and organic chemicals quarterly during the year designated by the DHS. DHS will designate the year based on historical monitoring frequency and laboratory capacity.
- Title 23, division 3, chapter 9 requires the RWQCB to issue a report of waste discharge for discharges of waste to land pursuant to the Water Code. The report requires submittal of information by the applicant proposing the discharge, regarding the proposed discharge and waste management unit design and monitoring program. Waste discharge requirements (WDRs) issued by the RWQCB provide construction and monitoring requirements for the proposed discharge. The SWRCB has adopted general waste discharge requirements (97-10-DWQ) for discharge to land by small domestic wastewater treatment systems.
- Title 23, division 3, chapter 15 regulates all discharges of hazardous waste to land that may affect water quality. Chapter 15 broadly defines a waste management

area as an area of land, or a portion of a waste management facility, at which waste is discharged. Therefore, unless exempted, all discharges of hazardous waste to land that may affect water quality are regulated by chapter 15. This chapter outlines siting, construction, and monitoring requirements for waste discharges to land for landfills, surface impoundments, land treatment units, and waste piles. The chapter provides closure and post-closure maintenance and monitoring requirements for surface impoundments.

LAND USE AND PLANNING

Federal

None.

State

California State Lands Commission (CSLC) and School Lands Management

Described in “Multiple Environmental Issues” section.

Natural Community Conservation Planning Act

The Natural Community Conservation Planning Act (Fish & G. Code § 2800 et seq) aims to reconcile wildlife and ecosystem conservation with land development and population growth. It provides a mechanism for protection of the State’s natural diversity while reducing conflicts with responsible development and growth. Natural Community Conservation Plans (NCCPs) are cooperative, voluntary agreements that protect, conserve, restore, and enhance covered species and natural communities, as defined, and which provide enhanced predictability to participating land use jurisdictions.

MINERAL RESOURCES

Federal

There are no mineral resources affected by the Proposed Project that are under federal jurisdiction.

State

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

The California Department of Conservation is the primary agency with regard to mineral resource protection. The Department, which is charged with conserving earth resources (Pub. Resources Code, §§ 600-690), has five program divisions: Division of Land Resource Protection (DLRP); Division of Mine Reclamation (DMR); California

Geological Survey (CGS); Geologic Energy Management Division (CalGEM); State Mining and Geology Board (SMGB). SMGB develops policy direction regarding the development and conservation of mineral resources and reclamation of mined lands. In accordance with SMARA, CGS classifies the regional significance of mineral resources and assists in designating lands containing significant aggregate resources. Four Mineral Resource Zones (MRZs) are designated to indicate the significance of mineral deposits.

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

The Warren-Alquist Act

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

NOISE

Federal

Noise Control Act (42 USC § 4910) and NTIS 550\9-74-004, 1974

This Act requires the USEPA to establish noise emission criteria, as well as noise testing methods (40 CFR Chapter 1, Subpart Q). These criteria generally apply to interstate rail carriers and to some types of construction and transportation equipment. The USEPA published a guideline (USEPA 1974) containing recommendations for acceptable noise level limits affecting residential land use of 55 dBA Ldn for outdoors and 45 dBA Ldn for indoors.

NTIS 550\9-74-004, 1974

In response to a Federal mandate, the USEPA provided guidance in NTIS 550\9-74-004, 1974 (*Information on Levels of Environmental Noise Requisite to Protect Health and Welfare with an Adequate Margin of Safety*), commonly referenced as the “Levels Document” that establishes an Ldn of 55 dBA as the requisite level, with an adequate margin of safety, for areas of outdoor uses including residences and recreation areas. The USEPA recommendations contain a factor of safety and do not consider technical

or economic feasibility (i.e., the document identifies safe levels of environmental noise exposure without consideration for achieving these levels or other potentially relevant considerations), and therefore should not be construed as standards or regulations.

State

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

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

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

Other

- California Code of Regulations, title 24 establishes CNEL 45 dBA as the maximum allowable indoor noise level resulting from exterior noise sources for multi-family residences.
- California Code of Regulations, title 21 applies to airports operating under permit from the Caltrans Division of Aeronautics, defines a noise-impacted zone as any residential or other noise-sensitive use with CNEL 65 and above.

PALEONTOLOGICAL RESOURCES

Federal

Paleontological Resources Preservation Act (PRPA) (123 Stat. 1172; 16 USC 470aaa)

PRPA requires the Secretaries of the Interior and Agriculture to manage and protect paleontological resources on Federal land using scientific principles and expertise. The PRPA includes specific provisions addressing management of these resources by the Bureau of Land Management (BLM), the National Park Service (NPS), the Bureau of Reclamation (BOR), the U.S. Fish and Wildlife Service (USFWS), and the U.S. Forest Service (USFS) of the Department of Agriculture.

The PRPA states that a person may not:

(1) excavate, remove, damage, or otherwise alter or deface or attempt to excavate, remove, damage, or otherwise alter or deface any paleontological resources located on Federal land unless such activity is conducted in accordance with this subtitle;

(2) exchange, transport, export, receive, or offer to exchange, transport, export, or receive any paleontological resource if the person knew or should have known such resource to have been excavated or removed from Federal land in violation of any provisions, rule, regulation, law, ordinance, or permit in effect under Federal law, including this subtitle; or

(3) sell or purchase or offer to sell or purchase any paleontological resource if the person knew or should have known such resource to have been excavated, removed, sold, purchased, exchanged, transported, or received from Federal land.

State

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

CEQA declares that it is state policy to: "take all action necessary to provide the people of this state with...historic environmental qualities." It further states that public or private projects financed or approved by the state are subject to environmental review by the state. All such projects, unless entitled to an exemption, may proceed only after this requirement has been satisfied. CEQA requires detailed studies that analyze the environmental effects of a proposed project. In the event that a project is determined to have a potential significant environmental effect, the Act requires that alternative plans and mitigation measures be considered. If paleontological resources are identified as being within the proposed project study area, the sponsoring agency must take those resources into consideration when evaluating project effects. The level of consideration may vary with the importance of the resource.

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). An FPP must be in writing, kept in the workplace, and 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.

State

California Code of Regulations, Title 19 (Public Safety)

Under this section, the California State Fire Marshal (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.

2010 Strategic Fire Plan for California

The 2010 Strategic Fire Plan for California was developed in coordination with the State Board of Forestry and Fire Protection and the California Department of Forestry and Fire Protection (CAL FIRE) to reduce and prevent the impacts of fire in California. Goal 6 of the Plan sets objectives to determine the level of suppression resources (staffing and equipment) needed to protect private and public state resources. Specific objectives include, but are not limited to, maintaining an initial attack policy which prioritizes life, property, and natural resources; determining suppression resources allocation criteria; analyzing appropriate staffing levels and equipment needs in relation to the current and future conditions; increasing the number of CAL FIRE crews for fighting wildfires and other emergency response activities; maintaining cooperative agreements with local, state, and federal partners; and implementing new technologies to improve firefighter safety, where available.

RECREATION

Federal

Federal Land Policy and Management Act (FLPMA)

FLPMA establishes frameworks for public lands including a multiple use and sustained yield framework, to provide for outdoor recreation management. The recreational resources in the California desert are recognized in Title VI of FLPMA, Designated Management Areas, California Desert Conservation Area, and directs the BLM to conserve the desert's resources, especially recreation, by developing a multiple use and

sustained yield management plan. The Project would be governed by FLPMA and would impact the recreation opportunities in the vicinity.

BLM California Desert Conservation Area Plan (CDCA plan).

The CDCA plan was established in 1980 to preserve the California desert as a public resource and establish goals for management of recreation (BLM, 1999). Recreational opportunities in the area are framed by the CDCA plan, like FLPMA, and provides a framework for management that focuses on multiple uses.

- **Northern and Eastern Colorado Desert Coordinated Management Plan (NECO).** The NECO plan, an amendment to the CDCA plan, provides for management of recreation within the California desert areas of El Centro, Blythe, Needles, and cities in the Coachella Valley (BLM, 2002).
- **Desert Renewable Energy Conservation Plan (DRECP).** In 2015, the DRECP Land Use Plan Amendment (LUPA) and Final EIS were published by the BLM. The DRECP amended the CDCA plan in 2016 when the Record of Decision was signed. This plan designates SRMAs and Extensive Recreation Management Areas (ERMAs) within the California desert which includes the Project and study area (BLM, 2015).

Off-Road Vehicles (43 CFR § 8340, et seq.)

This regulation is largely based on EO 11644 (Nixon, 1972) which establishes criteria for designating public lands as open, limited, or closed to OHV use and establishes controls governing the use and operation of OHVs in these areas (San Bernardino County 2007).

State

None.

TRANSPORTATION

Federal

None.

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 is responsible

for the design, construction, maintenance, and operation of the California State Highway System and the portion of the Interstate Highway System within State boundaries.

Caltrans has the discretionary authority to issue special permits for the use of California State highways for other than normal transportation purposes. Caltrans also reviews all requests from utility companies, developers, volunteers, nonprofit organizations, and others desiring to conduct various activities within the California Highway right of way. The Caltrans Highway Design Manual, prepared by the Office of Geometric Design Standards (Caltrans 2020), establishes uniform policies and procedures to carry out the highway design functions of Caltrans. Objectives for the preparation of this guide include providing consistency and uniformity in the identification of traffic impacts generated by local land use proposals.

UTILITIES AND SERVICE SYSTEMS

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.
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State

California Integrated Waste Management Act (AB 939; Sher, Chapter 1095, Statutes of 1989)

AB 939 mandates management of non-hazardous solid waste throughout California. Its purpose includes: reduce, recycle, and reuse solid waste generated in the state to the maximum extent feasible; improve regulation of existing solid waste landfills; ensure that

new solid waste landfills are environmentally sound; streamline permitting procedures for solid waste management facilities; and specify local government responsibilities to develop and implement integrated waste management programs. AB 939 policies preferred waste management practices include the following: 1) The highest priority is to reduce the amount of waste generated at its source (source reduction); 2) Second is to reuse, by extending the life of existing products and recycling those wastes that can be reused as components or feed stock for the manufacture of new products, and by composting organic materials. Source reduction, reuse, recycling and composting are jointly referred to as waste diversion methods because they divert waste from disposal; 3) Third is disposal by environmentally safe transformation in a landfill. All local jurisdictions, cities, and counties must divert 50 percent of the total waste stream from landfill disposal by the year 2000 and each year thereafter (with 1990 as the base year).

California Code of Regulations, title 19 (Public Safety)

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

California Code of Regulations (title 27)

Title 27 (Environmental Protection) of the California Code of Regulations defines regulations and minimum standards for the treatment, storage, processing, and disposal of solid waste at disposal sites. The State Water Resources Control Board maintains and regulates compliance with Title 27 of the California Code of Regulations by establishing waste and site classifications and waste management requirements for solid waste treatment, storage, or disposal in landfills, surface impoundments, waste piles, and land treatment units.

Government Code, title 1, div. 5, ch. 3.1, Protection of Underground Infrastructure

Requires an excavator to contact a regional notification center at least 2 days prior to excavation of any subsurface installation. Any utility provider seeking to begin a project that may damage underground infrastructure can call Underground Service Alert, the regional notification center, which will notify utilities that may have buried lines within 1,000 feet of the project. Utility representatives are required to mark the specific location of their facilities within the work area prior to the start of project activities in the area.

WILDFIRE

Federal

National Electric Safety Code (NESC) and American National Standards Institute (ANSI) Guidelines

A variety of line and tower clearance standards are used throughout the electric transmission industry. Nationally, most transmission line owners follow the NESC rules or ANSI guidelines, or both, when managing vegetation around transmission system equipment. The NESC deals with electric safety rules, including transmission wire clearance standards, whereas the applicable ANSI code deals with the practice of pruning and removal of vegetation.

State

Public Utilities: Wildfires and Employee Protection (AB 1054, modifying the Public Utilities Code and the Water Code)

AB 1054 provides for a Wildfire Fund, which electrical corporations may access upon meeting specific requirements. Electrical corporations must opt into the fund, make financial commitments, and maintain a safety certificate from the CPUC, among meeting other conditions required by AB 1054. In July 2019, SCE opted into the Wildfire Fund, which requires it to satisfy a burden of proof test and obtain a safety certification by satisfying the conditions of Public Utilities Code Section 8389 (e)(1-7).

Public Utilities Code section 8389 (e)(1-7)

This section specifies the requirements for an electrical corporation to obtain a safety certification by documenting the following: an approved wildfire mitigation plan; good standing; an established safety committee composed of members with relevant safety experience; an executive incentive compensation structure to promote safety as a priority; an established board-of-director-level reporting to the commission on safety issues; a compensation structure for new or amended contracts for executive officers; and implementation of its approved wildfire mitigation plan.

California Fire Code 2019 section 1206

California Fire Code (CFC) 2019 section 1206 outlines requirements for energy storage systems designed to provide electrical power to a building or facility. Permits shall be obtained prior to the installation and operation of energy storage systems, and construction documents shall provide information related to fire safety, such as the location and layout of the room in which the stationary storage battery system is to be installed; details on hourly fire-resistance-rated assemblies provided; quantities and types of storage batteries and battery systems; manufacturer’s specifications, ratings,

and listings of storage batteries/systems; details on energy management systems; location and content of signage; details on fire-extinguishing, smoke detection, and ventilation systems; and rack storage arrangement, including seismic support criteria. Additionally, this section establishes standards for the design of stationary storage battery systems, arrays, and signage to enhance fire safety and detect and extinguish fires.

California Public Resources Code sections 4294 and 4293

These sections specify requirements related to fire protection and prevention in transmission line corridors. Public Resources Code section 4292 states that any person that owns, controls, operates, or maintains any electrical transmission or distribution line has primary responsibility for fire protection of such areas, and shall maintain around and adjacent to any pole or tower (which supports a switch, fuse, transformer, lightning arrester, line junction, or dead end or corner pole) a firebreak which consists of a clearing of not less than 10 feet in each direction from the outer circumference of such a pole or tower. Public Resources Code section 4293 states that any person that owns, controls, operates, or maintains any electrical transmission or distribution line upon any mountainous land, or in forest-covered land, or grass-covered land which has primary responsibility for the fire protection of such area, shall maintain a clearance of the respective distances.

CPUC General Orders

GO 95 is the key standard governing the design, construction, operation, and maintenance of overhead electric lines in the State. GO 95 Rule 35 governs tree trimming requirements, including minimum vegetation clearances around power lines in extreme and very high fire threat zones in Southern California. The rule requires radial clearances be 120 inches from vegetation for bare line conductors in Extreme and Very High Fire Threat Zones in Southern California. GO 95 Rule 31.2 requires that lines be inspected frequently and thoroughly to ensure that they are in good condition, and that lines temporarily out of service be inspected and maintained in such condition so as not to create a hazard.

GO 128 establishes rules governing the construction of underground electric and communication lines to promote and safeguard public health and safety.

GO 165 establishes requirements for electric distribution and transmission facilities (excluding those facilities contained in a substation) regarding inspections in order to ensure safe and high-quality electrical service.

Power Line Fire Prevention Field Guide 2008 Edition

CAL FIRE, the state's three investor-owned utilities (Pacific Gas and Electric Company, Southern California Edison Company, and San Diego Gas and Electric), and other California electric utilities have mutually developed a comprehensive field guide for their personnel. Its purpose is "to provide information and guidance to the personnel of the fire service agencies and electrical operators for minimum uniform application within the areas of their respective jurisdiction and franchise responsibilities." In addition to safety of the public, the guide details fire hazard reduction maintenance procedures for the safety of conductors and certain hardware.

Wildfires (SB 901, Dodd)

Signed into law in September 2018, SB 901 amends the Public Utilities Code to require utilities to prepare wildfire mitigation measures if the utilities' overhead electrical lines and equipment are located in an area that has a significant risk of wildfire resulting from those electrical lines and equipment. The law requires the wildfire mitigation measures to incorporate specified information and procedures and utilities to prepare a wildfire mitigation plan.

The San Bernardino County Fire Office of Emergency Services prepared the County Emergency Operations Plan (revised January 2018) that includes fire hazard. There is no emergency route plan that overlaps the Project area. The Mountain Area Safety Taskforce developed an emergency route plan for the area immediately south of the project.

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