

Lake Sonoma Master Plan - Pertinent Public Laws and Executive Orders

PUBLIC LAW 59-209 (34 STAT. 225), 8 JUNE 1906, THE ANTIQUITIES ACT. This act makes it a federal offense to appropriate, excavate, injure, or destroy any antiquity, historic ruin, monument, or object of scientific interest located on lands owned or controlled by the United States without having permission from the Secretary of the department having jurisdiction thereof. Paleontological resources are regulated under this act.

PUBLIC LAW 65-186 (40 STAT. 755), 3 JULY 1918, MIGRATORY BIRD TREATY ACT (MBTA), AS AMENDED. The MBTA of 1918 is the domestic law that affirms, or implements, the United States' commitment to four international conventions with Canada, Japan, Mexico and Russia for the protection of shared migratory bird resources. The MBTA governs the taking, killing, possession, transportation, and importation of migratory birds, their eggs, parts and nests. All migratory birds are governed by the MBTA's regulation of taking migratory birds for educational, scientific, and recreational purposes and requiring harvest to be limited to levels that prevent overutilization. Executive Order 13186 (2001) directs executive agencies to take certain actions to implement the act. When development proposed in the MP is scheduled to occur, compliance with the MBTA will be considered along with environmental compliance for the specific activities.

PUBLIC LAW 76-567 (54 STAT. 250), 8 JUNE 1940, BALD EAGLE PROTECTION ACT OF 1940, AS AMENDED. This act prohibits anyone, without a permit issued by the Secretary of the Interior, from taking bald eagles, including their parts, nests, or eggs. The act provides criminal penalties for persons who take, possess, sell, purchase, barter, offer to sell, transport, export or import, at any time or any manner, any bald eagle ... [or any golden eagle], alive or dead, or any part, nest, or egg thereof. The act defines take as pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, molest or disturb. Individual projects proposed as a result of the MP will adhere to the management guidelines developed by the USFWS to avoid disturbing bald eagles.

PUBLIC LAW 78-534 (58 STAT. 887), 22 DECEMBER 1944, Flood Control Act of 1944, as amended. This act authorizes the construction of certain public works on rivers and harbors for flood risk management and other purposes. Section 4 authorizes providing facilities at reservoir areas for public use, including recreation and fish and wildlife conservation. As amended in 1962 by Section 297 of Public Law 87-874, the act authorizes the USACE to develop and maintain park and recreation facilities at all water resources projects controlled by the Secretary of the Army.

PUBLIC LAW 83-566 (68 STAT. 666), 5 AUGUST 1954, WATERSHED PROTECTION AND FLOOD PREVENTION ACT. This act authorizes the Secretary of Agriculture to cooperate with states and other public agencies in works for flood prevention and soil conservation, as well as the conservation, development, utilization, and disposal of water. This act imposes no requirements on the USACE Civil Works projects.

PUBLIC LAW 84-1928 (70A STAT. 150), 10 AUGUST 1956. Section 2667 of this law authorizes the Secretary of a military department to lease non-excess land when it is advantageous to the United States. Grazing leases are also authorized under this provision. Sections 2668 and 2669 authorize the granting of easements and rights-of-way for many purposes, including transmission lines and gas, water, and sewer pipelines.

PUBLIC LAW 85-624 (72 STAT. 563), 12 AUGUST 1958, FISH AND WILDLIFE COORDINATION ACT. This law amends and renames the Fish and Wildlife Coordination Act of 10 March 1934. The 1958 act requires that: (1) fish and wildlife conservation receive equal consideration with other features of water resources development programs; (2) proposals for work affecting any body of water be coordinated with the USFWS and state wildlife agency; (3) recommendations of the USFWS and state wildlife agency be given full consideration; and (4)

justifiable means and measures for wildlife purposes, including mitigation measures, be adopted. It also required that adequate provisions be made for the use of project lands and waters for the conservation, maintenance, and management of wildlife resources, including their development and improvement. The act provides that the use of project lands primarily for wildlife management by others be in accordance with a General Plan approved jointly by the Department of the Army, Department of the Interior, and state wildlife agencies. When site-specific proposals are made under the MP, the USACE will coordinate with the USFWS and the CDFW.

PUBLIC LAW 86-523 (74 STAT. 220), 27 JUNE 1960, RESERVOIR SALVAGE ACT, AS AMENDED. This act provides for (1) the preservation of historical and archaeological data that might otherwise be lost or destroyed as the result of flooding or any alteration of the terrain caused as a result of any federal reservoir construction projects; (2) coordination with the Secretary of the Interior whenever activities may cause loss of scientific, prehistorical, or archaeological data; and (3) expenditure of funds for recovery, protection, and data preservation. This act was amended by Public Law 93-291. Any construction proposed that is connected to operation and maintenance of the facility is reviewed in advance by the USACE San Francisco District cultural resources staff. In all cases, avoidance of historic properties is the preferred alternative. When such disturbance is unavoidable, suitable protection or data recovery will be implemented as required by the act.

PUBLIC LAW 86-717 (74 STAT. 817), 6 SEPTEMBER 1960, CONSERVATION OF FOREST LANDS IN RESERVOIR AREAS. This law provides for the development and maintenance of forest resources on the USACE managed lands and the establishment and management of vegetative cover so as to encourage future resources of readily available timber and to increase the value of such areas for conservation.

PUBLIC LAW 87-88 (75 STAT. 204), 20 JULY 1961, FEDERAL WATER POLLUTION CONTROL ACT AMENDMENTS OF 1961, AS AMENDED. Section 2 (b) (1) of this act gives the USACE responsibility for water quality management of the USACE reservoirs. This law was amended by the Federal Water Pollution Control Act Amendment of 1972, Public Law 92-500.

PUBLIC LAW 89-80 (79 STAT. 244), 22 JULY 1965, WATER RESOURCES PLANNING ACT. This act is a Congressional statement of policy to meet rapidly expanding demands for water throughout the Nation. The purpose is to encourage the conservation, development, and use of water-related land resources on a comprehensive and coordinated basis by the Federal, state, and local governments; individuals; corporations; business enterprises; and others concerned.

PUBLIC LAW 89-665 (80 STAT. 915), 15 OCTOBER 1966, HISTORIC PRESERVATION ACT, AS AMENDED. This act states a policy of preserving, restoring, and maintaining cultural resources and requires that federal agencies (1) take into account the effect of any undertaking on any site on or eligible for the NRHP; (2) afford the Advisory Council on Historic Preservation the opportunity to comment on such undertaking; (3) nominate eligible properties to the NRHP; (4) exercise caution in the disposal and care of federal property that might qualify for the NRHP; and (5) provide for the maintenance of federally owned sites on the NRHP. Any ground-disturbing activities proposed would be coordinated in advance with the State Historic Preservation Officer (SHPO), ACHP, THPO, and any other interested parties under Section 106 of the act.

PUBLIC LAW 90-483 (82 STAT. 731), 13 AUGUST 1968, RIVER AND HARBOR ACT OF 1968, AS AMENDED. This Act authorizes the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood risk management, and other purposes. Section 210 restricts the collection of entrance fees at the USACE lakes and reservoirs after 31 March 1970 to users of highly developed facilities requiring the continuous presence of personnel. Because the USACE will not be conducting any projects under the updated MP, no authorization is required as the law specifically exempts the USACE from regulation under Section 10. However,

activities by non-USACE entities in waters of the U.S. are regulated under Section 10. Work such as a boat dock installation or water intake line requires a Section 10 permit application; for work that includes placing fill, a joint Section 404/10 permit application can be made.

PUBLIC LAW 90-542 (82 STAT. 906), 2 OCTOBER 1968, WILD AND SCENIC RIVERS ACT, AS AMENDED. This act establishes that certain rivers of the Nation, with their immediate environments, possess outstandingly remarkable scenic, recreational, geologic, fish and wildlife, historic, cultural, or other similar values. They shall be preserved in free-flowing condition, and they and their immediate environments shall be protected for the benefit and enjoyment of present and future generations.

PUBLIC LAW 90-583 (82 STAT. 1146), 17 OCTOBER 1968, NOXIOUS PLANT CONTROL. This law provides for a control of noxious weeds on land under the control of the Federal Government. Resource objectives and development needs for management units include the control of noxious weeds.

PUBLIC LAW 91-190 (83 STAT. 852), 1 JANUARY 1970, NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) OF 1969. Section 101 of this act establishes a national environmental policy. Section 102 requires that all Federal agencies shall, to the fullest extent possible, (1) use a systematic, interdisciplinary approach that integrates natural and social sciences and environmental design arts in planning and decision-making; (2) study, develop, and describe appropriate alternatives to recommend courses of action in any proposal that involves unresolved conflicts concerning alternative uses of available resources; and (3) include an Environmental Impact Statement (EIS) in every recommendation or report on proposals for major Federal actions significantly affecting the quality of the human environment. A NEPA Environmental Assessment is associated with this update of the master plan.

PUBLIC LAW 91-224 (84 STAT. 114), 3 APRIL 1970, ENVIRONMENTAL QUALITY IMPROVEMENT ACT OF 1970. This act assures that each Federal department or agency conducting or supporting public works activities that affect the environment shall implement the policies established under existing law. The USACE ensures that activities at Lake Sonoma are in compliance with existing laws.

PUBLIC LAW 91-604 (84 STAT. 1676), 31 DECEMBER 1970, CLEAN AIR AMENDMENTS OF 1970, AS AMENDED. The purpose of this act is to protect public health and welfare by the control of air pollution at its source, and to set forth primary and secondary National Ambient Air Quality Standards (NAAQS) to establish criteria for states to attain, or maintain. Some temporary emission releases may occur during construction activities that are recommended under the MP; however, air quality is not expected to be impacted to any measurable degree.

EXECUTIVE ORDER 11593, 13 MAY 1971, PROTECTION AND ENHANCEMENT OF THE CULTURAL ENVIRONMENT. Section 2 of the Order outlines the responsibilities of federal agencies in accordance with the National Environmental Policy Act of 1969, the National Historic Preservation Act of 1966, the Historic Sites Act of 1935, and the Antiquities Act of 1906. Section 3 outlines specific responsibilities of the Secretary of the Interior including review and comment upon federal agency procedures submitted under this Order.

EXECUTIVE ORDER 11644, 8 FEBRUARY 1972, USE OF OFF-ROAD VEHICLES ON PUBLIC LANDS. This Executive order establishes a uniform Federal policy regarding the use of vehicles such as trail bikes, snowmobiles, dune buggies, and other off-road vehicles (ORV) on public lands. Section 3 provides guidance for establishing zones of use for such vehicles. This order was amended by Executive Order 11989. Currently the USACE restricts ORV use on project lands.

PUBLIC LAW 92-500 (86 STAT. 816), 18 OCTOBER 1972, THE FEDERAL WATER POLLUTION CONTROL ACT AMENDMENTS OF 1972, AS AMENDED. This law amends the Federal Water Pollution

Control Act and establishes a national goal of eliminating pollutant discharges into waters of the United States. Section 404 authorizes a permit program for the disposal of dredged or fill material in the Nation's waters that is to be administered by the Secretary of the Army acting through the Chief of Engineers. This law was later amended by the CWA of 1977, Public Law 95-217, to provide additional authorization to restore the Nation's water. The project is in compliance with this law. If any construction activities involve the temporary or permanent placement of dredged or fill material into any water body or wetland area at Lake Sonoma, approval pursuant to Section 404 is required.

PUBLIC LAW 92-574 (86 STAT. 1234), 27 OCTOBER 1972, NOISE CONTROL ACT, AS AMENDED. This act establishes a national policy to promote an environment for all Americans free from noise that jeopardizes their health and welfare. Federal agencies are required to limit noise emissions to within compliance levels. Noise emission levels at sites where development was proposed in the updated Lake Sonoma MP would increase above current levels temporarily during periods of construction; however, appropriate measures will be taken to keep the noise level within the compliance levels.

PUBLIC LAW 93-205 (87 STAT. 884), 28 DECEMBER 1973, CONSERVATION, PROTECTION, AND PROPAGATION OF ENDANGERED SPECIES ACT OF 1973, AS AMENDED. This law repeals the Endangered Species Conservation Act of 1969. It also directs all Federal departments/agencies to carry out programs to conserve endangered and threatened species of fish, wildlife, and plants and to preserve the habitat of these species in consultation with the Secretary of the Interior. This act establishes a procedure for coordination, assessment, and consultation. This act was amended by Public Law 96-159. The USACE management and development activities proposed by the MP would have no effects on Federal or state listed or candidate threatened and endangered species or designated critical habitats of such species known to exist in Lake Sonoma areas for which the USACE is responsible. While no Federal threatened or endangered species or critical habitat are listed within the Lake Sonoma project boundary, the USACE will, before implementing any future proposed actions, evaluate and determine any potential effects to species and habitat.

PUBLIC LAW 93-291 (88 STAT. 174), 24 MAY 1974 PRESERVATION OF HISTORICAL AND ARCHEOLOGICAL DATA. This act amends the Reservoir Salvage Act, Public Law 86-523, to provide for the preservation of historical and archaeological data (including relics and specimens), which might otherwise be lost as the result of the construction of a dam. Section 3(a) requires any Federal agency to notify the Secretary of the Interior in writing when the agency finds, or is notified in writing by an appropriate historical or archaeological authority, that its activities in connection with any Federal construction project or Federally licensed project, activity, or program may cause irreparable loss or destruction of significant scientific, prehistoric or archeological data. Section 7(a) requires any Federal agency responsible for a construction project to assist/transfer to the Secretary of the Interior such funds as may be agreed upon, but not more than one percent of the total appropriated project costs. The costs of survey, recovery, analysis, and publication shall be considered non-reimbursable project costs. The USACE will notify the Secretary of the Interior in writing if a USACE activity may destroy significant scientific, prehistoric, or archeological data.

PUBLIC LAW 93-523 (88 STAT. 1660), 16 DECEMBER 1974, SAFE DRINKING WATER ACT, AS AMENDED. This act amends the Public Health Service Water Act to assure that the public is provided with safe drinking water. This law states that all potable water at civil works projects will meet or exceed the minimum standards required by law. This act was amended by the Safe Drinking Water Act Amendments of 1986, Public Law 99-339, and Public Law 104-182.

PUBLIC LAW 93-629 (88 STAT. 2148), 3 JANUARY 1975, FEDERAL NOXIOUS WEED ACT OF 1974, AS AMENDED. Section 15, added to the act in 1990, Public Law 101-624, requires noxious weed control management

on Federal lands and sets forth the process by which it is to be accomplished. Resource objectives and development needs for management units in the MP include the control of noxious weeds.

EXECUTIVE ORDER 11988, 24 MAY 1977, FLOODPLAIN MANAGEMENT. This Order outlines the responsibilities of Federal agencies in the role of floodplain management. Each agency shall evaluate the potential effects of actions on floodplains and should not undertake actions that directly or indirectly induce growth in the floodplain, unless there is no practical alternative. Agency regulations and operating procedures for licenses and permits should include provisions for evaluation and consideration of flood hazards. Construction of structures and facilities on floodplains must incorporate flood proofing and other accepted flood protection measures. Agencies shall attach appropriate use restrictions to property proposed for lease, easement, right-of-way, or disposal to non-Federal public or private parties.

Any development proposed in the MP must be in compliance with South Pacific Division (SPD) Regulation 1110-2-5, Land Development Guidance at USACE Reservoir Projects, dated April 30, 2004. This regulation establishes SPD guidance for evaluating land development proposals within the USACE reservoir projects with authorized flood storage allocations. The USACE has responsibility to assure that the authorized project purposes are not compromised, that the public is not endangered, and that natural and cultural resources associated with project lands are not harmed, in accordance with applicable Federal and state regulations. The criteria and procedures for evaluation of development proposals in this regulation are to assist in meeting these responsibilities and complying with applicable laws and directives. Existing structures are exempted from this policy. However, significant modifications and/or replacement of existing structures are subject to this policy.

EXECUTIVE ORDER 11989, 24 MAY 1977, OFF-ROAD VEHICLES ON PUBLIC LANDS. This Executive Order excludes any fire, military, emergency or law enforcement vehicle when used for emergency purposes, and any combat or combat support vehicle when used for national defense purposes, from the definition of ORV. This order also directs agencies to immediately close ORV trails that are causing soil, vegetation, wildlife, wildlife habitat, or cultural or historic resources of particular areas or trails on public lands, to the type of ORV causing the adverse effects, until the effects are eliminated and measures are implemented to prevent future recurrence. Currently the USACE restricts ORV use on project lands.

EXECUTIVE ORDER 11990, 24 MAY 1977, PROTECTION OF WETLANDS. This Order directs Federal agencies to provide leadership in minimizing the destruction, loss, or degradation of wetlands. Section 2 states that agencies shall avoid undertaking or assisting in new construction located in wetlands unless there is no practical alternative. Prior to construction of any facilities proposed in this MP, a site-specific NEPA analysis, including an assessment of potential impacts to wetlands, would be coordinated with Federal and state agencies and Tribes. If a Section 404 permit is required, coordination regarding compliance with Executive Order 11990 would be accomplished prior to permit issuance.

PUBLIC LAW 95-217 (91 STAT. 1566), 27 DECEMBER 1977, CLEAN WATER ACT (CWA) OF 1977, AS AMENDED. This act amends the Federal Water Pollution Control Act of 1970 and extends the appropriations authorization. The CWA is a comprehensive Federal water pollution control program that has as its primary goal the reduction and control of the discharge of pollutants into the Nation's navigable waters. The CWA was amended by the Water Quality Act of 1987, Public Law 100-4. Any action involving placement of fill in waters of the U.S. at Lake Sonoma by the USACE, a non-USACE entity, or any individual, with the exception of certain minor activities as discussed in 33 C.F.R. § 323.4, would require a Section 404 authorization and Section 401 water quality certification.

EXECUTIVE ORDER 12088, 13 OCTOBER 1978, FEDERAL COMPLIANCE WITH POLLUTION CONTROL STANDARDS. The purpose of this Order is to ensure Federal compliance with applicable pollution control standards. Section 1-4, Pollution Control Plan, in which each agency was required to submit an annual plan for the control of environmental pollution to the Office of Management and Budget, was revoked by Executive Order 13148, which was revoked by Executive Order 13423.

PUBLIC LAW 95-341 (92 STAT. 469), 11 AUGUST 1978, AMERICAN INDIAN RELIGIOUS FREEDOM ACT (AIRFA) OF 1978. AIRFA protects the rights of Native Americans to exercise their traditional religions by ensuring access to sites, use and possession of sacred objects, and the freedom to worship through ceremonials and traditional rites. No proposals in the updated MP would adversely affect the protections offered by this act. Access to sacred sites by Tribal members would be provided.

PUBLIC LAW 95-632 (92 STAT. 3751), 10 NOVEMBER 1978, ENDANGERED SPECIES ACT AMENDMENTS OF 1978. This law amends the Endangered Species Act Amendments of 1973. Section 7 directs agencies to conduct a biological assessment to identify T&E species that may be present in the area of any proposed project. This assessment is conducted as part of a Federal agency's compliance with the requirements of Section 102 of NEPA. The USACE would conduct biological assessments on proposed projects when necessary.

PUBLIC LAW 96-95 (93 STAT. 721), 31 OCTOBER 1979, ARCHAEOLOGICAL RESOURCES PROTECTION ACT (ARPA) OF 1979. This act protects archaeological resources and sites that are on public and Tribal lands, and fosters increased cooperation and exchange of information between governmental authorities, the professional archaeological community, and private individuals. It also establishes requirements for issuance of permits by the Federal land managers to excavate or remove any archaeological resource located on public or Native American lands.

PUBLIC LAW 96-159 (93 STAT. 3751), 28 DECEMBER 1979, ENDANGERED SPECIES ACT (ESA) OF 1973, AS AMENDED. This amendment expanded the act to protect endangered plants. This amendment requires the publishing of a summary and map when proposing land as critical habitat and requires federal agencies to ensure projects "are not likely" to jeopardize an endangered species. In addition, it authorizes all those seeking exemptions from the act to get permanent exemptions for a project unless a biological study indicates the project would result in the extinction of a species. The USACE would ensure that any development or management activities proposed in the MP are not likely to jeopardize an endangered species.

CEQ MEMORANDUM, 10 AUGUST 1980, INTERAGENCY CONSULTATION TO AVOID OR MITIGATE ADVERSE EFFECTS ON RIVERS IN THE NATIONWIDE INVENTORY. This memorandum states that each Federal agency shall take care to avoid or mitigate adverse effects on rivers identified in the Nationwide Inventory (45 Fed. Reg. 59189).

PUBLIC LAW 96-366 (94 STAT. 1322), 29 SEPTEMBER 1980, FISH AND WILDLIFE CONSERVATION ACT OF 1980. This law enables states to obtain funds to conduct inventories and conservation plans for nongame wildlife. It also encourages federal departments and agencies to use their statutory and administrative authority to conserve and promote conservation in accordance with this act. The MP promotes conservation by including resource objectives and development needs that protect and enhanced wildlife habitat.

PUBLIC LAW 96-510 (94 STAT. 2767), 11 DECEMBER 1980, COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION, AND LIABILITY ACT (CERCLA). Typically CERCLA is triggered by (1) the release or substantial threat of a release of a hazardous substance into the environment; or (2) the release or substantial threat of a release of any pollutant or contaminant into the environment that presents an imminent threat

to the public health and welfare. To the extent such knowledge is available, 40 C.F.R. Part 373 requires notification of CERCLA hazardous substances in a land transfer. Compliance with this act is required on a case-by-case basis for real estate activities such as easements, grants, etc.

PUBLIC LAW 97-98 (95 STAT. 1341), 22 DECEMBER 1981, FARMLAND PROTECTION POLICY ACT.

This act instructs the Department of Agriculture, in cooperation with other departments, agencies, independent commissions and other units of the Federal Government, to develop criteria for identifying the effects of federal programs on the conversion of farmland to nonagricultural uses. The MP does not propose any changes to agricultural land.

PUBLIC LAW 99-339 (100 STAT. 642), 19 JUNE 1986, SAFE DRINKING WATER ACT AMENDMENTS OF 1986. These amendments provide further regulation regarding national primary drinking water, enforcement of these regulations, and variances and exemptions to the act. These amendments also provide for the protection of underground sources of drinking water and provide grants to Tribes in addition to contract assistance to carry out the function of these amendments.

PUBLIC LAW 99-662 (100 STAT. 4082), 17 NOVEMBER 1986, WATER RESOURCES DEVELOPMENT ACT OF 1986. This legislation sets forth non-Federal cost-sharing requirements for all water resources projects. Section 906 of this act supplements the responsibility and authority of the Secretary of the Army pursuant to the Fish and Wildlife Coordination Act. This section requires any mitigation for fish and wildlife losses to be undertaken or acquired before any construction of the project commences, or shall be undertaken or acquired concurrently with lands and interests in lands for project purposes. The USACE will coordinate with the USFWS when constructing any projects under the MP and will address any fish and wildlife mitigation that is required before the construction of any project commences.

PUBLIC LAW 100-4 (101 STAT. 7), 4 FEBRUARY 1987, WATER QUALITY ACT OF 1987. This Act amends the Federal Water Pollution Control Act to not only provide for renewal of the quality of the Nation's waters but also provide construction grant amendments, standards, enforcement, permits, and licenses. This act includes more provisions for monitoring non-point source pollution (contaminants that come from many different sources).

PUBLIC LAW 101-233 (103 STAT. 1968), 13 DECEMBER 1989, NORTH AMERICAN WETLANDS CONSERVATION ACT. This act establishes the North American Wetlands Conservation Council (NAWCC, 16 U.S.C. § 4403) to recommend wetlands conservation projects to the Migratory Bird Conservation Commission (MBCC). Section 9 of the act addresses the restoration, management, and protection of wetlands and habitat for migratory birds on federal lands. Federal agencies acquiring, managing, or disposing of federal lands and waters are to cooperate with the USFWS to restore, protect, and enhance wetland ecosystems and other habitats for migratory birds, fish and wildlife on their lands, to the extent consistent with their missions and statutory authorities. The MP proposes establishment/restoration of wetlands at a few management units. Prior to construction of any facilities proposed in the MP, a site-specific NEPA analysis, including an assessment of potential impacts to wetlands, would be coordinated with federal and state agencies and tribes.

PUBLIC LAW 101-601 (104 STAT. 3048), 16 NOVEMBER 1990, NATIVE AMERICAN GRAVES PROTECTION AND REPATRIATION ACT (NAGPRA). This act provides for the protection of Native American and Native Hawaiian cultural items. It establishes a process for the authorized removal of human remains, funerary, sacred, and other objects of cultural patrimony from sites located on land owned or controlled by the Federal Government. NAGPRA requires Federal agencies and Federally assisted museums to return specified Native American cultural items to the Federally recognized Tribes or Native Hawaiian groups with which they are associated. Notification of all inadvertent discoveries of such items covered by the act is reported to the appropriate

affiliated descendant or Tribe in order of precedence as set by the act. Any claims to such items are reviewed and the procedures to repatriate within the act are followed.

EXECUTIVE ORDER 12898, 11 FEBRUARY 1994, FEDERAL ACTIONS TO ADDRESS ENVIRONMENTAL JUSTICE IN MINORITY POPULATIONS AND LOW-INCOME POPULATIONS.

Federal agencies shall make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations in the United States. Development and management activities proposed in the MP are not anticipated to disproportionately impact minority or low-income populations.

EXECUTIVE ORDER 12962, 7 JUNE 1995, RECREATIONAL FISHERIES. This Executive Order mandates that Federal agencies, to the extent permitted by law and where practicable, improve the quality, function, and sustainable productivity and distribution of U.S. aquatic resources for increased recreational fishing opportunities.

EXECUTIVE ORDER 13006, 21 MAY 1996, LOCATING FEDERAL FACILITIES ON HISTORIC PROPERTIES. This Executive Order requires Federal facilities, wherever operationally appropriate and economically prudent, to be located in historic properties and districts, especially those located in our central business areas. No activities under the MP involve the development of Federal facilities located in historic properties.

EXECUTIVE ORDER 13007, 24 MAY 1996, INDIAN SACRED SITES. This Executive Order requires that agencies avoid damage to sacred sites on Federal land, and avoid blocking access to such sites for traditional religious practitioners. The Federal Government gives Tribes notice when an impact to a sacred site occurs.

PUBLIC LAW 104-182 (110 STAT. 1613), 6 AUGUST 1996, SAFE DRINKING WATER ACT AMENDMENTS OF 1996. These amendments strengthen protections on tap water, improve public access to tap water contaminant information, strengthen standards to protect public health from the most significant threats to safe drinking water, and provide money that communities need to upgrade drinking water systems.

EXECUTIVE ORDER 13112, 3 FEBRUARY 1999, INVASIVE SPECIES. This Executive Order directs federal agencies to act to prevent the introduction of, or to monitor and control, invasive (non-native) species; to provide for restoration of native species; to conduct research; to promote educational activities; and to exercise care in taking actions that could promote the introduction or spread of invasive species. Resource objectives and development needs for management units include the control of noxious weeds.

EXECUTIVE ORDER 13148, 26 APRIL 2000, GREENING THE GOVERNMENT THROUGH LEADERSHIP IN ENVIRONMENTAL MANAGEMENT. This order was revoked by Executive Order 13423.

EXECUTIVE ORDER 13175, 6 NOVEMBER 2000, CONSULTATION AND COORDINATION WITH INDIAN TRIBAL GOVERNMENTS. This Executive Order requires regular and meaningful consultation and collaboration with Tribal officials in the development of Federal policies that have Tribal implications, to strengthen the United States government-to-government relationships with Tribes, and to reduce the imposition of unfunded mandates upon tribes. Section 3 establishes policymaking criteria when formulating and implementing policies that have Tribal implications. Section 5(a) says each agency shall have an accountable process to ensure meaningful and timely input by Tribal officials in the development of regulatory policies that have Tribal implications.

EXECUTIVE ORDER 13195, 18 JANUARY 2001, TRAILS FOR AMERICA IN THE 21ST CENTURY. This Executive Order requires federal agencies to protect, connect, promote, and assist trails of all types throughout the United States. Several trails are proposed as part of the MP.

EXECUTIVE ORDER 13287, 3 MARCH 2003, PRESERVE AMERICA. This Executive Order encourages Federal agencies to recognize and manage the historic properties in their ownership as assets that can support department and agency missions while contributing to the vitality and economic well-being of the Nation's communities. This Executive Order also encourages Federal agencies to seek partnerships with state, Tribal, and local governments, and the private sector in order to make more efficient and informed use of historic, prehistoric, and other cultural resources for economic development and recognized public benefits.

EXECUTIVE ORDER 13352, 26 AUGUST 2004, FACILITATION OF COOPERATIVE CONSERVATION. This Executive Order requires that the Secretaries of the Interior, Agriculture, Commerce, and Defense and the Administrator of the EPA shall carry out the programs, projects, and activities of the agency that they respectively head that implement laws relating to the environment and natural resources in a manner that: a) facilitates cooperative conservation; b) takes appropriate account of and respects the interests of persons with ownership or other legally recognized interests in land and other natural resources; c) properly accommodates local participation in Federal decision-making; and d) provides that the programs, projects, and activities are consistent with protecting public health and safety.

EXECUTIVE ORDER 13423, 24 JANUARY 2007, STRENGTHENING FEDERAL ENVIRONMENTAL, ENERGY, AND TRANSPORTATION MANAGEMENT. This Executive Order requires federal agencies to conduct their environmental, transportation, and energy-related activities under the law in support of their respective missions in an environmentally, economically and fiscally sound, integrated, continuously improving, efficient, and sustainable manner. The Order sets goals in the areas of energy efficiency, acquisition, renewable energy, toxic chemical reduction, recycling, sustainable buildings, electronics stewardship, fleets, and water conservation. In addition, the order requires more widespread use of Environmental Management Systems (EMS) as the framework in which to manage and continually improve these sustainable practices. It is supplemented by implementing instructions, issued 29 March 2007, by the CEQ.

EXECUTIVE ORDER 13443, 16 AUG 2007, FACILITATION OF HUNTING HERITAGE AND WILDLIFE CONSERVATION. The purpose of this Order is to direct federal agencies that have programs and activities that have a measurable effect on public land management, outdoor recreation, and wildlife management, including the Department of the Interior and the Department of Agriculture, to facilitate the expansion and enhancement of hunting opportunities and the management of game species and their habitat. Resource objectives and development needs for some management units include providing and maintaining lake access for hunting and providing opportunities for hunting.