

ENVIRONMENTAL ASSESSMENT/ENVIRONMENTAL IMPACT REPORT

San Francisco Bay Federal Channels Operation and Maintenance
Dredging and Sediment Placement Activities

Appendix B – Relevant Laws and Regulations

APPENDIX B

Relevant Laws and Regulations

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Table B-1. Federal Laws and Regulations

Law/Regulation	Administering Agency	Summary and Context
Abandoned Shipwreck Act (43 U.S.C. §§ 2101–2106)	SHPO	The Abandoned Shipwreck Act is a federal legislative act that affirms the authority of state governments to manage abandoned shipwrecks on state submerged lands.
Clean Air Act (federal) (42 U.S.C. Chapter 85)	BAAQMD (federal authority delegated to the State). USEPA (General Conformity Regulations)	The federal CAA required the USEPA to establish primary and secondary NAAQS. The CAA also required each state to prepare an air quality control plan, referred to as a SIP. The CAA Amendments of 1990 added requirements for states with nonattainment areas to revise their SIPs to incorporate additional control measures to reduce air pollution. The BAAQMD implements programs and regulations required by the CAA, CAA amendments, and the CCAA. This proposed maintenance dredging program is subject to the General Conformity Regulations adopted by USEPA to implement Section 176(c) of the CAA. Under the General Conformity Regulations, federal agencies must work with state, tribal, and local governments in a nonattainment or maintenance area to ensure that federal actions conform to the air quality plans established in the applicable state or tribal implementation plan. USACE has determined the proposed agency action is exempt from the requirement to prepare a conformity determination with the SIP under the CAA because the project consists of maintenance dredging, no new depths are required, and placement would be at approved placement sites. Air emissions created by the proposed program are estimated in this Draft EA/EIR, however, in accordance with CCAA requirements.
Clean Water Act (33 U.S.C. §§ 1257 <i>et seq.</i>)	San Francisco Bay Regional Water Quality Control Board and USEPA	The federal CWA (33 U.S.C. § 1257 <i>et seq.</i>) requires states to set standards to protect water quality. The objective of the federal CWA is to restore and maintain the chemical, physical, and biological integrity of the nation's waters. Specific sections of the CWA control discharge of pollutants and wastes into marine and aquatic environments, as further discussed in Section 3.4.1. After public review of the Draft EA/EIR, USACE applies to the Regional Water

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		Board for a Section 401 WQC for the continuation of its San Francisco Bay Maintenance Dredging Program for the region.
Clean Water Act Section 303– Impaired Water Bodies and Total Maximum Daily Loads (33 U.S.C. § 303(d))	Regional Water Board (federal authority delegated to the State)	Under Section 303(d) of the CWA, each state is required to identify those waters within its boundaries for which effluent limits required by Section 301 are not stringent enough to meet water quality standards. The state must establish priority rankings for these waters and develop TMDLs to maintain beneficial uses and improve water quality. Seasonal variations in loading and a margin of safety are considered when TMDLs are established. In California, the SWRCB and Regional Water Boards prepare the CWA Section 303(d) List of Water Quality Limited Segments Requiring TMDLs. San Francisco Bay is listed as impaired for pesticides (e.g., chlordane, DDT, dieldrin, dioxin, and furan compounds), mercury, invasive species, polychlorinated biphenyls, selenium, and trash. In greater San Francisco Bay, Suisun Bay and San Pablo Bay are listed for these same parameters, except for trash. The Napa River is listed as impaired for pathogens and sedimentation/siltation. The tidal portion of the Petaluma River is listed as impaired for diazinon, nutrients, pathogens, and nickel.
Clean Water Act Section 303– Water Quality Standards and Implementation Plans (33 U.S.C. § 1313)	Regional Water Board (federal authority delegated to the State; standards adopted in the San Francisco Bay Basin Plan)	CWA Section 303, Water Quality Standards and Implementation Plans, describes water quality standards as the water quality goals for a particular water body. These water quality goals are for the designated uses for the water and the criteria to protect those uses. The Water Board is responsible for the implementation of CWA Section 303 and has adopted the Basin Plan as the main regulatory guidance document under the CWA. Basin Plan standards consider the use and value of public water supplies, propagation of fish, shellfish, and wildlife, recreation in and on the water, and agricultural, industrial, and other uses including navigation. Protections under the Basin Plan for endangered species are generally the same as those for protection of fish and wildlife habitats generally. The Basin Plan includes fish migration as a beneficial use.

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Clean Water Act Section 313(a)– Federal Facilities Pollution Control (33 U.S.C. § 1323)	USEPA	Congress expressly authorizes state regulation of federal activities that result in discharge or water pollution.
Clean Water Act Section 401 WQC (33 U.S.C. § 1341)	Regional Water Board (federal authority delegated to the State)	Under Section 401 of the CWA, WQC is required for any activity that requires a federal permit or license, and that may result in discharge into navigable waters. USACE must obtain a Section 401 certification for this project. To receive certification under Section 401, an application must demonstrate that activities or discharges into waters are consistent with state effluent limitations (CWA Section 301), water quality effluent limitations (CWA Section 302), water quality standards and implementation plans (CWA Section 303), national standards of performance (CWA Section 306), toxic and pretreatment effluent standards (CWA Section 307), and “any other appropriate requirements of State law set forth in such certification” (CWA Section 401). In California, the authority to grant WQCs is delegated to the SWRCB; in the San Francisco Bay area, applications for certification under CWA Section 401 are processed by the Regional Water Board.
Clean Water Act Section 402– National Pollutant Discharge Elimination System (33 U.S.C. § 1342)	USEPA	The 1972 amendments to the CWA established the NPDES permit program to control discharges of pollutants from point sources. The 1987 amendments to the CWA created a new section of the CWA devoted to stormwater permitting (Section 402[p]). USEPA has delegated administering and enforcing the provisions of CWA and NPDES to the State of California. NPDES is the primary federal program that regulates point-source and non-point source discharges to waters of the United States. Projects disturbing areas 1 acre or greater in size are effectively prohibited unless the discharge complies with an NPDES Permit. SWRCB Order No. 2022-0057, NPDES General Permit No. CAS000002, General Permit for Stormwater Discharges Associated with Construction Activity (Construction General Permit), is the active general stormwater construction activity permit for the State of California and the Regional Water Board.

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Clean Water Act Section 404– Discharge of Dredged or Fill Material (33 U.S.C. § 1344)	USACE/USEPA	Under Section 404 of the CWA, USACE regulates the discharge of dredged and fill materials into waters of the United States, which include intrastate lakes, rivers, streams (including intermittent streams), bayflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, and wetlands adjacent to any water of the United States [33 C.F.R. Part 328]. In areas subject to tidal influence, Section 404 jurisdiction extends to the high tide line or boundary of any adjacent wetlands. USACE implements Section 404 of the CWA, and USEPA has oversight authority (under Section 404c). Section 404(b)(1) of the CWA establishes procedures for the evaluation of permits, typically by states, for discharge of dredged or fill material into waters of the United States.
Coastal Zone Management Act– (16 U.S.C. § 1456)	BCDC (federal CZMA is administered by the State)	The federal CZMA, established in 1972, provides for management of the nation’s coastal resources through a state and federal partnership. Under the federal consistency provisions of the CZMA, federal projects need to be consistent with the state’s coastal zone management program and policies to the maximum extent practicable. This determination is made by the lead federal agency, and concurrence is requested from the state or local agency responsible for implementing the CZMA. For San Francisco Bay, BCDC is the state’s coastal zone management agency responsible for issuing concurrence with consistency determinations under the CZMA. The San Francisco Bay Plan is BCDC’s policy document specifying goals, objectives, and policies for BCDC jurisdictional areas. For portions of the study area outside of San Francisco Bay, concurrence with consistency determinations is issued by the CCC. USACE requests consistency determination concurrence from BCDC and/or CCC prior to commencing dredging activities. Following public review of the Draft EA/EIR, USACE will submit a CZMA federal consistency determination to BCDC for its concurrence.
Commerce Clause of the US Constitution	USACE	“Navigable servitude” is a US constitutional doctrine that allows the federal government the right to regulate navigable waterways as an extension of the Commerce Clause of the US Constitution. The

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		federal navigational servitude entitles the government to exert a dominant servitude in all lands below the ordinary high-water mark of navigable waters. Navigable waters of the United States are those waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce (33 C.F.R. § 329.4).
Superfund Amendments and Reauthorization Act of 1986 (42 U.S.C. §§ 9601 <i>et. seq.</i>)	USEPA	SARA imposes requirements to ensure that hazardous materials are properly handled, used, stored, and disposed of, and to prevent or mitigate injury to human health or the environment if such materials are accidentally released.
Endangered Species Act (16 U.S.C. §§ 1531-1544)	USFWS and NMFS	Under the ESA, all federal agencies must ensure that any action authorized, funded, or carried out by their agency is not likely to jeopardize the continued existence of any endangered or threatened species, or result in the destruction or adverse modification of critical habitat as defined under the ESA. NMFS is responsible for protection of ESA-listed marine species and anadromous fishes, while other species are under the jurisdiction of USFWS. Under the ESA, USFWS and NMFS must authorize the take of listed species, and the federal action agency must implement all reasonable and prudent measures necessary to minimize the impacts of take. ESA consultation is currently ongoing for this project.
Energy Independence and Security Act of 2007 (42 U.S.C. §§ 17001 <i>et. seq.</i>)	USDOT	The Energy Independence and Security Act of 2007 established the America’s Marine Highway Program, a USDOT initiative to expand the use of waterborne transportation to relieve landside congestion and reduce carbon emissions. The Energy Independence and Security Act defines America’s Marine Highways as navigable waterways that can relieve congested landside routes serving freight and passenger movement. The study area includes the Marine Highway 580 Connector, which includes the San Joaquin River, Sacramento River, and connecting commercial navigation channels, ports, and harbors in Central California from Sacramento to Oakland. The Marine Highway 580 Connector also connects to the Marine

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		Highway 5 Corridor at Oakland, which spans Washington, Oregon, and California along the West Coast.
Executive Order 11988 of May 24, 1977: Flood Plain Management Decision Making Process (42 Federal Register 26951)	USACE, federal agencies	Requires federal agencies to avoid long and short-term adverse impacts associated with the occupancy and modification of floodplains and to avoid direct and indirect support of floodplain development whenever there is a practicable alternative. This EO relates primarily to the placement of dredged material and the appropriate management of lands that received dredged material for beneficial use.
Executive Order 11990: Protection of Wetlands (42 Federal Register 26961)	USACE, federal agencies	This EO requires federal agencies to minimize destruction of wetlands when managing lands, administering federal programs, and undertaking construction. Agencies are also required to consider the effects of federal actions on the health and quality of wetlands.
Executive Order 13112: Invasive Species (64 Federal Register 6183, pp. 6183–6186, 1999)	National Invasive Species Council	The purpose of EO 13112 is to prevent the introduction of invasive species and to provide control for the spread of invasive species that have already been introduced.
Hazardous Materials Transportation (49 C.F.R. §§ 5101–5127)	USDOT and US Postal Service	USDOT has the regulatory responsibility for the safe transportation of hazardous materials. USDOT regulations govern all means of transportation except packages shipped by mail.
Federal Hazardous and Solid Waste Amendments (42 U.S.C. §§ 6901 <i>et seq.</i>)	USEPA	Amended the RCRA in 1984, affirming and extending the “cradle to grave” system of regulating hazardous wastes. The amendments specifically prohibit the use of certain techniques for the disposal of some hazardous wastes.
Inland Navigational Rules Act of 1980 (Public Law 96-591, 94 Stat. 3415, 33 C.F.R. Part83)	USCG	The Inland Navigational Rules Act of 1980, more commonly known as the Inland Rules, governs many rivers, lakes, harbors, and inland waterways including San Francisco Bay. Rule 27, Vessels Not Under Command or Restricted in Their Ability to Maneuver, specifies lighting and safety requirements for vessels engaged in dredging or underwater operations that are restricted in their ability to maneuver.

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		In addition, Title 33 C.F.R. § 88.15 contains requirements for lighting on floating or supported dredge pipelines.
International Convention for the Prevention of Pollution from Ships (33 U.S.C. §§ 1901-1911)	USCG	MARPOL is the primary international convention covering pollution prevention in the marine environment by ships from operational or accidental causes. The MARPOL Convention was adopted in 1973 and modified by the Protocol of 1978 (referred to as MARPOL 73/78). The regulations cover the prevention of pollution by oil, noxious liquids, harmful substances, and garbage from operational measures, as well as from accidental discharges. USCG is the responsible enforcement agency.
Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. Chapter 38 §§ 1801 <i>et. seq.</i>)	NMFS	The Magnuson-Stevens Act establishes a management system for national marine and estuarine fishery resources. This legislation mandates the identification, conservation, and enhancement of EFH, which is defined as “waters and substrate necessary to fish for spawning, breeding, feeding, or growth to maturity,” for all managed species. Federal agencies consult with NMFS on proposed actions that may adversely affect EFH. The main purpose of the EFH provisions of the act is to avoid loss of fisheries due to disturbance and degradation of the fisheries habitat.
Marine Mammal Protection Act (16 U.S.C. §§ 1361-1421(h))	NOAA	The Marine Mammal Protection Act, adopted in 1972, makes it unlawful to take or import any marine mammals and/or their products.
Marine Protection, Resources, and Sanctuaries Act (33 U.S.C. §§ 1401 <i>et. seq.</i>)	USEPA	MPRSA is the United States’ implementation of an international treaty, the Convention on the Prevention of Marine Pollution by Dumping of Waste and Other Matter (also known as the “London Convention”). Section 102 of the MPRSA authorizes USEPA to establish criteria for evaluating all dredged material proposed for ocean dumping. These criteria are published separately in the Ocean Dumping Regulations at 40 C.F.R. Part 220-228. Section 102 also authorizes USEPA to designate permanent ocean-dredged material placement sites in accordance with specific site selection criteria designed to minimize the adverse effects of ocean placement of

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		dredged material. Although USACE does not issue permits to itself, USACE and USEPA apply these standards to USACE projects.
Migratory Bird Treaty Act (16 U.S.C. §§ 703-712)	USFWS	The Migratory Bird Treaty Act established special protection for migratory birds by regulating hunting or trade of migratory birds. Furthermore, this act prohibits anyone taking, possessing, buying, selling, purchasing, or bartering any migratory bird listed in 50 C.F.R. Part 10, including feathers or other parts, nests, eggs, or products, except as allowed by implementing regulations (50 C.F.R. Part 21).
National Environmental Policy Act (42 U.S. Code § 4321)	CEQ (USACE acting as lead agency)	NEPA (42 U.S.C. § 4331 <i>et seq.</i>), enacted by Congress and signed into law in 1970, was the first major environmental law in the United States. Under NEPA, federal agencies must assess the environmental effects of proposed major federal actions. The CEQ, which was established within the Executive Office of the President, oversees NEPA implementation by issuing guidance, reviewing procedures, and resolving disputes. NEPA outlines a process of environmental analysis and documentation to facilitate decision-making that is better informed and includes public involvement. Under NEPA, the lead federal agency, in this case USACE, is the agency that proposes an action and supervises the preparation of an environmental document.
National Historic Preservation Act (54 U.S.C. §§ 100101 <i>et seq.</i>)	SHPO (federal authority delegated to the State)	The National Historic Preservation Act declares federal policy to protect historic sites and values, in cooperation with other nations, states, and local governments. Subsequent amendments designated the SHPO as the individual responsible for administering state-level programs.
Native American Graves Protection and Repatriation Act of 1990 (33 U.S.C. § 3001 <i>et seq.</i>)	USACE, federal agencies, museums	This law applies on federal and tribal lands and provides a process for museums and federal agencies to return certain Native American cultural items to lineal descendants and culturally affiliated Indian tribes and Native Hawaiian organizations.

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Occupational Safety and Health Act of 1970 (29 C.F.R. § 1910).	OSHA	The federal Occupational Safety and Health Act sets standards for safe workplaces and work practices, including the reporting of accidents and occupational injuries.
Oil or Hazardous Material Pollution Prevention Regulations for Vessels (33 C.F.R. Part 155)	USCG	To operate in US waters and ports, applicable vessels regulated by the USCG are required to provide a vessel response plan to the USCG for review and approval. A vessel response plan serves as an oil spill response plan for vessels and would include, at a minimum, a contact list, including the spill removal contractor and contacts for spill notifications; procedures for spill notifications; shipboard spill mitigation procedures to mitigate or prevent discharge or threat of discharge resulting from operations, accidents, or emergencies; and shore-based response activities, including notification, coordination actions, and organization structure for response. A vessel response plan would be consistent with both the National Oil and Hazardous Substances Pollution Contingency Plan and the California Office of Spill Prevention and Response Area Contingency Plan.
Oil Pollution Act (Title 33 U.S.C. §§ 2701 <i>et seq.</i>)	USEPA	OPA establishes a liability system for oil spills into navigable waters or adjacent shorelines that injure or are likely to injure natural resources, and/or the services that those resources provide to the ecosystem or humans. Pursuant to the OPA, federal and state agencies and Indian tribes may act as trustees on behalf of the public to assess the injuries, scale restoration to compensate for those injuries, and implement restoration.
Operation and Maintenance of Army Corps of Engineers Civil Works Projects Involving the Discharge of Dredged or Fill Material into Waters of the US or Ocean Waters (33 C.F.R. pt. 335-338)	USACE	USACE's maintenance dredging program, including discharge of dredged or fill material into waters of the United States and transportation of dredged material for the purpose of disposal into ocean waters, is regulated under 33 C.F.R. Parts 335-338. Part 335 identifies applicable laws and provides relevant definitions, including the Federal Standard. Part 336 describes factors to be considered in the evaluation of USACE dredging projects involving the discharge of dredged material into waters of the United States and ocean waters,

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		including compliance with Section 404(b)(1) of the CWA and Section 103 of the MPRSA. Part 337 addresses practice and procedures to be followed in implementing state requirements, responding to emergency actions, and notifying the public of disposal sites.
Resource Conservation and Recovery Act (40 C.F.R. §§ 239-282).	USEPA	Under RCRA, USEPA regulates the generation, transportation, treatment, storage, and disposal of hazardous waste from “cradle to grave.” Transportation of hazardous materials and hazardous waste is carried out by individuals or entities that move hazardous materials and waste from one site to another by highway, rail, water, or air (40 C.F.R. § 260.10).
Rivers and Harbors Act (33 U.S.C. § 401 <i>et seq.</i>)	USACE	The Rivers and Harbors Act refers to a conglomeration of many pieces of legislation and appropriations passed by Congress since the first such legislation in 1824. The Rivers and Harbors Act of 1899 was the first federal water pollution act in the United States. It focuses on protecting navigation, protecting waters from pollution, and acted as a precursor to the CWA of 1972. Section 10 of the Rivers and Harbors Act of 1899 regulates alteration of navigable waters and prohibits unauthorized obstruction of navigable waters of the United States. Original construction of the federal navigation channels was authorized under the Rivers and Harbors Act, and USACE’s maintenance dredging maintains the navigability of the channels in accordance with their authorized dimensions. No permit is required for projects sponsored and executed by USACE.
Submerged Lands Act of 1953 (43 U.S.C. §§ 1301 <i>et seq.</i>)	CSLC	The Submerged Lands Act established state jurisdiction over offshore lands within 3 miles of shore. In compliance with this act, the CSLC will receive a copy of this EA/EIR and will have the opportunity to comment on the project’s potential impacts on submerged lands.
International Regulations for Preventing Collision at Sea (33 U.S.C. §§ 1601-1608)	International Maritime Organization	The International Regulations for Preventing Collision at Sea, also known as the Rules of the Road or International Navigation Rules, or 72 COLREGS, govern open bodies of water, including San Francisco

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		Bay, in which foreign shipping traffic is possible. The regulations are designed to promote navigational safety.
United States Department of Commerce, National Oceanic and Atmospheric Administration, Office of Response and Restoration (15 C.F.R. Part 990)	NOAA Office of Response and Restoration	The NOAA OR&R is charged with responding to oil spills, chemical accidents, and other emergencies in coastal areas. Under the National Contingency Plan, NOAA is responsible for providing scientific support to the Federal On-Scene Coordinator for oil and hazardous material spills. To support this mandate, OR&R provides 24-hour, 7-day-a-week response to spills. During an oil spill in coastal waters, OR&R’s role is to provide scientific support to the USCG officers in charge of response operations. In addition to spill response software and mapping tools, OR&R provides standard techniques and publishes guidelines for observing oil, assessing shoreline impact, and evaluating accepted cleanup technologies.
United States Marine Highway Program, Energy Independence and Security Act of 2007 (46 U.S.C. § 55601)	USDOT, Maritime Administration	This program is intended to expand the use of inland, Great Lakes–Saint Lawrence Seaway System, intracoastal, and coastal waterways for the transportation of freight and passengers to mitigate landside congestions, reduce GHG emissions per ton-mile moved, and accomplish other objectives.

- Notes: BAAQMD–Bay Area Air Quality Management District
 BCDC–San Francisco Bay Conservation and Development Commission
 CAA–Clean Air Act
 CCA–California Coastal Act
 CCAA–California Clean Air Act
 CCC–California Coastal Commission
 CEQ–Council on Environmental Quality
 C.F.R. –Code of Federal Regulations
 CSLC–California State Lands Commission
 CWA–Clean Water Act
 CZMA–Coastal Zone Management Act
 EFH–Essential Fish Habitat
 EO–Executive Order
 ESA–Endangered Species Act

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GHG–greenhouse gas
Magnuson-Stevens Act–Magnuson-Stevens Fishery Conservation and Management Act
MPRSA–Marine Protection, Resources, and Sanctuaries Act
NAAQS–National Ambient Air Quality Standards
NEPA–National Environmental Policy Act
NMFS–National Marine Fisheries Service
NOAA–National Oceanic and Atmospheric Administration
NPDES–National Pollutant Discharge Elimination System
OPA–Oil Pollution Act
OPR–Office of Planning and Research
OR&R–Office of Response and Restoration
RCRA–Resource Conservation and Recovery Act
SARA–Superfund Amendments and Reauthorization Act
SHPO–State Historic Preservation Officer
SIP–State Implementation Plan
SWRCB–State Water Resources Control Board
TMDL–Total Maximum Daily Load
USACE–US Army Corps of Engineers
U.S.C. –United States Code
USCG–US Coast Guard
USDOT–US Department of Transportation
USEPA–US Environmental Protection Agency
USFWS–US Fish and Wildlife Service
WQC–Water Quality Certification

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State		
California Administrative Code, Title 14, Section 4307	SHPO	Under this state preservation law, no person shall remove, injure, deface, or destroy any object of paleontological, archaeological, or historical interest or value. In addition to the administration of specific state laws concerning historic preservation, the SHPO is responsible for review of applications for entry on the National Register of Historic Places.
Assembly Bill 32 and the California Climate Change Scoping Plan. Accessed at: 2022 Scoping Plan for Achieving Carbon Neutrality-Executive Summary	CARB	The California Global Warming Solutions Act of 2006 and AB 32 establish a cap on statewide GHG emissions and set forth the regulatory framework to achieve the corresponding reduction in statewide emission levels. Under AB 32, GHG are defined as CO ₂ , CH ₄ , N ₂ O, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride.
Assembly Bill 52 and the California Water Resources Control Board Tribal Consultation Policy, 2019. Accessed at: California Water Board Tribal Consultation Policy 2019	SWRCB as CEQA lead agency	AB 52 requires public agencies to consult with Native American tribes about tribal cultural resources during the CEQA process.
Bay-Delta Plan. Accessed at: Bay-Delta Watershed California State Water Resources Control Board	SWRCB	The Bay-Delta Plan establishes water quality control measures and flow requirements needed to provide reasonable protection of beneficial uses in the watershed.
Clean Air Act (federal) (42 U.S.C. Chapter 85) and California Clean Air Act (California Code of Regulations, Title 13, Div. 3 and California Code of Regulations, Title 17, Div. 3)	CARB	CARB is the agency responsible for coordination and oversight of federal, state, and local air pollution control programs in California, and for implementing the CCAA and the federal CAA. The CCAA requires that all air districts in the state endeavor to achieve and maintain the CAAQS by the earliest practical date. CARB is primarily responsible for the development and maintenance of the SIP under the federal CAA, which requires final approval by USEPA. The SIP is

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State		
		<p>the primary mechanism for the implementation of CAAQS and NAAQS. In some cases, CAAQS are more stringent than NAAQS. Local air districts provide additional strategies for regulating air pollution sources under their jurisdiction.</p> <p>Other CARB duties include monitoring air quality (in conjunction with air monitoring networks maintained by air pollution control and air quality management districts), determining and updating area designations and maps, and setting emissions standards for new mobile sources, consumer products, small utility engines, and off-road vehicles.</p>
California Coastal Act (California Public Resources Code, Div. 20)	CCC	The CCA includes specific policies (Division 20 of the PRC) for planning and regulatory decisions made by the CCC and local governments, once those local governments adopt Local Coastal Programs that are approved by the CCC. The CCA covers dredging and placement activities along with many other development activities within the coastal zone.
California Endangered Species Act (Fish and Game Code, Chapter 1.5, sections 2050-2115.5 and California Code of Regulations, title 14, chapter 6, sections 783.0-787.9)	CDFW	CESA (California Fish and Game Code 2050-2116) operates like the federal ESA but is administered by CDFW. Certain species that are federally listed may not be listed on the CESA or may have a different listing status. Like the federal ESA, CESA and the Native Plant Protection Act authorize CDFW to designate, protect, and regulate the taking of protected species in the State of California. USACE must consider special-status species and whether the action threatens to violate federal, state, or local law or requirements imposed for the protection of the environment (40 C.F.R. § 1508.27[b][9-10]). For these reasons, this document analyzes impacts on species listed under CESA to facilitate issuance of a WQC.

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State		
California Environmental Quality Act (California Public Resources Code § 21000 et. seq.)	Regional Water Board as lead CEQA agency	CEQA was signed into law in 1970, about eight months after the signing of NEPA. Similar to NEPA, CEQA requires public agencies to consider and disclose to the public the environmental implications of proposed actions, supporting informed decision-making on projects and operations that may affect the environment. In addition, under CEQA, agencies are to minimize significant adverse environmental effects to the extent feasible.
California Harbors and Navigation Code (California Harbors & Navigation Code § 652)	CADBW	The California Harbors and Navigation Code vests authority with CADBW to regulate matters of navigational safety for the state’s boating public. CADBW was formed in 1979 through the consolidation of functions previously held by several divisions in the Departments of Natural Resources, Motor Vehicles, and Parks and Recreation. The code established a comprehensive set of state laws and regulations governing the equipment and operation of vessels on all waters of the state.
California Hazardous Materials Release Response Plan and Inventory Law of 1985 (Health and Safety Code, Div. 20, Chapter 6.95)	CUPA	The California Hazardous Materials Release Response Plan and Inventory Law of 1985 (Business Plan Act) requires that businesses that store hazardous materials on site prepare an Hazardous Materials Business Plan and submit it to the local CUPA.
California Hazardous Waste Control Act (California Health and Safety Code, Division 20, Chapter 6.5, Article 2, Section 25100 et seq.) and California Hazardous Substance Account Act (California Health and Safety Code, Division 20, Chapter 6.8, Section 25300 et seq.)	DTSC	Under the California Hazardous Waste Control Act, DTSC regulates the generation, transportation, treatment, storage, and disposal of hazardous waste in California. The hazardous waste regulations establish criteria for identifying, packaging, and labeling hazardous wastes; dictate the management of hazardous waste; establish permit requirements for hazardous waste treatment, storage, disposal, and transportation; and identify hazardous wastes that cannot be disposed of in landfills. DTSC is also the administering agency for the California Hazardous Substance Account Act, also known as the State Superfund Law, which provides for the

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		investigation and remediation of hazardous substances pursuant to state law.
California Native American Graves Protection and Repatriation Act of 2001 (California Public Resources Code, Section 5097.9)	SHPO	PRC Section 5097.9 details procedures to be followed whenever Native American remains are discovered. It states that no public agency or private party using or occupying public property, or operating on public property, under a public license, permit, grant, lease, or contract made on or after July 1, 1977, shall interfere with the free expression or exercise of Native American religion as provided in the US Constitution and the California Constitution. It further states that no such agency or party shall cause severe or irreparable damage to any Native American sanctified cemetery, place of worship, religious or ceremonial site, or sacred shrine on public property, except on a clear and convincing showing that the public interest and necessity so require. This document recognizes the potential for inadvertent discovery of such resources and proposes mitigation for the treatment of human remains and associated or unassociated funerary objects discovered during any soil-disturbing activity.
Consultation and Coordination with Indian Tribal Governments, Executive Order 13175	USACE, federal agencies	Requires regular, meaningful consultation and collaboration with tribal officials in the development of tribal policies that have tribal implications, to strengthen the United States government-to-government relationships with Indian tribes, and to reduce the imposition of unfunded mandates upon Indian tribes.
Human Remains (California Public Resources Code, Section 7050.5)	SHPO and local law enforcement	PRC Section 7050.5 specifies that anyone who knowingly mutilates or disinters, wantonly disturbs, or willfully removes any human remains in or from any location other than a dedicated cemetery without authority of law is guilty of a misdemeanor unless one of the exceptions applies. In the event of discovery or recognition of any human remains in any location other than a dedicated cemetery, the PRC states that there shall be no further excavation or disturbance of the site until the coroner of the county in which the human remains

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		<p>are discovered has determined the remains to be archaeological. If the coroner determines that the remains are not subject to his or her authority, and if the coroner recognizes or has reason to believe that the human remains are those of a Native American, he or she must contact the Native American Heritage Commission by telephone within 24 hours. This document recognizes the potential for inadvertent discovery of human remains and proposes mitigation for the treatment of human remains discovered during any soil-disturbing activity.</p>
<p>Human Remains, Criminal Penalties (California Public Resources Code, Section 7051)</p>	<p>SHPO and local law enforcement</p>	<p>PRC Section 7051 states that it is a public offense to remove any part of any human remains from any place where it has been interred, or from any place where it is deposited while awaiting interment or cremation, with intent to sell it or to dissect it, without authority of law, or written permission of the person or persons having the right to control the remains under Section 7100, or with malice or wantonness. This document recognizes the potential for inadvertent discovery of human remains and proposes mitigation for the treatment of human remains discovered during any soil-disturbing activity.</p>
<p>Emergency Response</p>	<p>California OES and local government partners</p>	<p>The State of California and local governments throughout the Bay Area, including Alameda County, have made investments in the planning and resources necessary to respond to natural and human-caused emergencies and disasters. California OES and its local government partners developed the Bay Area Regional Emergency Coordination Plan (RECP) with support from the Department of Homeland Security to provide a framework for collaboration and coordination during regional events. The RECP has been prepared in accordance with national and state emergency management systems and plans. The RECP provides an all-hazards framework for collaboration among responsible entities and coordination during emergencies in the Bay Area. The RECP defines procedures for</p>

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		regional coordination, collaboration, decision-making, and resource sharing among emergency response agencies in the Bay Area.
California Executive Order S-1-07	CARB	California EO S-1-07 established a goal of reducing the carbon intensity of transportation fuels sold in California by 10 percent by 2020. CARB determined that a low carbon fuel standard could be adopted as a discrete, early-action measure to meet the mandates in AB 32. CARB adopted the Low Carbon Fuel Standard on April 23, 2009.
California Executive Order S-3-05	CARB	This California EO requires California GHG emissions be reduced to 80% below 1990 levels by the year 2050.
Hazardous Materials Transportation Emergency Response	CHP and Caltrans	Caltrans and the CHP have primary responsibility for enforcing federal and state regulations and responding to hazardous materials transportation emergencies.
Lempert-Keene-Seastrand Oil Spill Prevention and Response Act (Government Code Title 2, Division 1, Chapter 7, Article 3.5)	CDFW (Office of Oil Spill Prevention and Response)	Passed in 1990 in response to lessons learned from the 1989 Exxon Valdez oil spill off the Alaskan coast and the 1990 American Trader oil spill offshore of Orange County, California, the Lempert-Keene-Seastrand Oil Spill Prevention and Response Act sets forth a comprehensive oil spill prevention and response program that requires all marine facilities and vessels to comply with an integrated system of statewide regulations, operation manuals, inspections, and training and drill programs in order to provide the “best achievable protection” of the state’s coastal and marine resources through the use of “best achievable technologies” and practices.
McAteer-Petris Act (California Government Code 66600-66682)	San Francisco BCDC	The McAteer-Petris Act, first enacted in 1965, created BCDC, with a mandate to prepare a plan to protect San Francisco Bay and its shoreline, and to provide for appropriate development and public access. The McAteer-Petris Act directs BCDC to exercise its authority to issue or deny permit applications for placing fill, dredging, or changing the use of any land, water, or structure in its jurisdiction

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		<p>(San Francisco Bay waters and 100 feet above the shoreline). BCDC also reviews determinations of consistency with the CZMA for federally sponsored projects in San Francisco Bay. The San Francisco Bay Plan, first adopted in 1969, and most recently amended in 2019, is BCDC’s policy document specifying goals, objectives, and policies for BCDC jurisdictional areas. Pursuant to the federal CZMA, USACE is required to be consistent, to the maximum extent practicable, with the enforceable policies of the San Francisco Bay Plan.</p>
Occupational Safety (Title 8 California Code of Regulations)	Cal/OSHA	<p>Cal/OSHA has primary responsibility for developing and enforcing workplace safety regulations in California. Because California has a federally approved OSHA program, it is required to adopt regulations that are at least as stringent as those found in Title 29 of the C.F.R. Cal/OSHA standards are generally more stringent than federal regulations. The use of hazardous materials in the workplace requires employee safety training, safety equipment, accident and illness prevention programs, hazardous substance exposure warnings, and emergency action and fire prevention plan preparation.</p>
Porter-Cologne Water Quality Control Act (California Statutes 1942, Chapter 368)	Regional Water Board	<p>The Porter-Cologne Water Quality Control Act, also known as the California Water Code, was established in 1969 and last amended in 2019. The act is a comprehensive program that addresses protection of water quality and the beneficial uses of waters of the state, including drinking water supply, recreation, and wildlife habitat. It provides protection from pollution and contamination to both surface and ground waters. The SWRCB and the nine California Regional Quality Control Boards have primary responsibility for implementing and enforcing the act. The Basin Plan is the San Francisco Bay Water Board’s master policy document for water quality regulation in San Francisco Bay, including fulfilling the requirements of the Porter-Cologne Act. The act described WDR requirements for activities that may affect water quality as well as compliance with federal water quality control laws, including WQC. The basis for these permits is</p>

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		established in the Basin Plan. As a federal agency, USACE does not believe it is required to apply for WDRs; however, the Water Board may issue WDRs with the WQC.
Public Trust Doctrine	CSLC	<p>CSLC manages lands in California according to the Public Trust Doctrine. Several of the guiding principles of the Public Trust are:</p> <ul style="list-style-type: none"> I. Lands under the ocean and under navigable streams are owned by the public and held in trust for the people by government. These are referred to as public trust lands and include filled lands formerly under water. Public trust lands cannot be bought and sold like other state-owned lands, but they may be leased for uses consistent with the public trust. II. Uses of trust lands, whether granted to a local agency or administered by the state directly, are generally limited to those that are water dependent. III. Because public trust lands are held in trust for all citizens of California, they must be used to serve statewide, as opposed to purely local, public purposes.
Senate Bill 97	CNRA, OPR, and Regional Water Board as CEQA lead agency	Senate Bill 97 acknowledges that climate change is an important environmental issue that requires analysis under CEQA. Senate Bill 97 required OPR, in consultation with CNRA, to adopt amendments to the CEQA guidelines to address the analysis and mitigation of GHG emissions.
Hazardous Waste Transportation (Titles 13, 22, and 26 of the California Code of Regulations)	California State Agencies	Regulates the transportation of hazardous waste originating in and passing through the state, including requirements for shipping, containers, and labeling.
Unified Program; Certified Unified Program Agency (Health and	CUPA	In January 1996, the California Environmental Protection Agency adopted regulations that implemented a Unified Program at the local

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Safety Code Sections 25404 et seq.)		level. The agency responsible for implementation of the Unified Program is the CUPA.
Regional		
Bay Area Air Quality Management District Air Quality Regulations	BAAQMD	The BAAQMD manages air quality conditions in the San Francisco Bay Area Air Basin through a comprehensive program of planning, regulation, enforcement, technical innovation, and promotion of the understanding of air quality issues. The BAAQMD is a regional arm of the state agency CARB. The BAAQMD’s function is described in detail under the CARB section above.
San Francisco Bay Area Seaport Plan	MTC and BCDC	The San Francisco Bay Area Seaport Plan, first adopted in 1996 and last amended in 2021, is the product of a cooperative planning effort of the MTC and BCDC. The Seaport Plan is incorporated into BCDC’s San Francisco Bay Plan, where it is the basis of the Bay Plan port policies. The MTC uses the Seaport Plan to assist in making project funding decisions and managing the metropolitan transportation system. BCDC uses the Seaport Plan to help guide its regulatory decisions on permit applications, consistency determinations, and related matters.

- Notes: AB–Assembly Bill
 BAAQMD–Bay Area Air Quality Management District
 BCDC–San Francisco Bay Conservation and Development Commission
 CAA–Clean Air Act
 CAAQS–California Ambient Air Quality Standards
 CADBW–California Department of Boating and Waterways
 Cal/OSHA–California Division of Occupational Safety and Health
 Caltrans–California Department of Transportation
 CARB–California Air Resources Board
 CCA–California Coastal Act
 CCAA–California Clean Air Act
 CCC–California Coastal Commission

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CDFW–California Department of Fish and Wildlife
CEQ–Council on Environmental Quality
CEQA–California Environmental Quality Act
CESA–California Endangered Species Act
C.F.R.–Code of Federal Regulations
CHP–California Highway Patrol
CNRA–California Natural Resources Agency
CSLC–California State Lands Commission
CUPA–Certified Unified Program Agency
CZMA–Coastal Zone Management Act
DTSC–Department of Toxic Substances Control
EA–Environmental Assessment
EO–Executive Order
ESA–Endangered Species Act
GHG–Greenhouse Gas
MTC–Metropolitan Transportation Commission
NAAQS–National Ambient Air Quality Standards
NEPA–National Environmental Policy Act
OES–Office of Emergency Services
PRC–California Public Resources Code
RECP–Bay Area Regional Emergency Coordination Plan
SHPO–State Historic Preservation Officer
SIP–State Implementation Plan
SWRCB–State Water Resources Control Board
USACE–US Army Corps of Engineers
U.S.C.–United States Code
USEPA–US Environmental Protection Agency
WDR–Waste Discharge Requirements
WQC–Water Quality Certification