

## **APPENDIX C**

### **SUMMARY OF APPLICABLE POLICIES, LAWS, REGULATIONS, PERMITS, AND ACTIONS**



## **APPENDIX C**

### **APPLICABLE LAWS, REGULATIONS, POLICIES, AND EXECUTIVE ORDERS**

The following text provides a descriptive summary of applicable laws, regulations, policies, and plans considered as part of evaluating the Proposed Action. The following is not an exhaustive list of every legal requirement that each step or component of the project must adhere to through installation and operation.

#### **C.1 AIR**

##### **a. California Clean Air Act (CCAA)**

HSC §42302.1, 42311, and 42352 (1988, as amended)

Relevance: The Proposed Action is located in California; all construction and operation activities within California are subject to the CCAA.

The California Air Resources Board (ARB) is the agency responsible for coordination and oversight of state and local air pollution control programs in California and for implementing the California Clean Air Act (CCAA). The CCAA was adopted in 1988 and required ARB to establish the California Ambient Air Quality Standards (CAAQS). Health-based air quality standards have been established for the criteria pollutants by ARB at the state level. These standards were established to protect the public with a margin of safety from adverse health impacts due to exposure to air pollution. In most cases, the CAAQS are more stringent than the NAAQS and incorporate a margin of safety to protect sensitive individuals. California has also established standards for sulfates, visibility-reducing particles, hydrogen sulfide, and vinyl chloride. ARB and local air pollution control districts are currently developing plans for meeting new national air quality standards for ozone and PM<sub>2.5</sub>. California's adopted 2007 State Strategy was submitted to USEPA as a revision to the SIP in November 2007 (ARB 2007).

##### **b. Clean Air Act (CAA)**

42 U.S.C. 7401 et seq. (1970, as amended)

Relevance: The Proposed Action is partially located on federal land and southern California is considered a non-attainment area which subjects all projects to the stationary and mobile source emission regulations of the CAA.

The primary objective of the CAA is to establish federal standards for various pollutants from both stationary and mobile sources and to provide for the regulation of polluting emissions via state implementation plans. In addition, the amendments are designed to prevent significant deterioration in certain areas where air quality exceeds national standards and to provide for improved air quality in areas which do not meet federal standards ("non-attainment" areas). Federal facilities are required to comply with air quality standards to the same extent as non-governmental entities. Part C of the 1977 amendments stipulates requirements to prevent significant deterioration of air quality and, in particular, to preserve air quality in national parks, national wilderness areas, national monuments, and national seashores. The amendments establish Class I, II, and III areas, where emissions of particulate matter and

sulfur dioxide are to be restricted. The restrictions are most severe in Class I areas and are progressively more lenient in Class II and III areas. Mandatory Class I federal lands include all national wilderness areas exceeding 500 acres. Federal land managers are charged with direct responsibility to protect the air quality and related values (including visibility) of Class I lands and to consider, in consultation with EPA, whether proposed facilities will have an adverse impact on these values.

**c. Riverside County General Plan Air Quality Element**

(2003, as amended)

Relevance: The Proposed Action is located in Riverside County and is thus governed by the Riverside County General Plan and its various elements.

The Air Quality Element supports efforts to decrease region-wide pollution emissions as surrounding jurisdictions significantly impact Riverside County's air quality, address emissions from mobile and stationary sources, establish and encourage recycling and conservation efforts to reduce the amount of pollutants emitted within the County, implement Transportation Demand Management (TDM) and trip reduction measures, and improve traffic flow.

**d. South Coast Air Quality Management District, Air Quality Management Plan (AQMP)**

(2012, as amended)

Relevance: The Proposed Action is located within the South Coast Air Quality Management District, and is thus subject to the regulations and standards of the AQMP.

The local air district with jurisdiction over the project area is the South Coast Air Quality Management District (SCAQMD). The AQMP establishes the strategies that will be used to achieve compliance with CAAQS in all areas within the SCAQMD's jurisdiction and provides for the basin's conformity with the SIP. The SCAQMD adopted a comprehensive AQMP update, the 2012 AQMP, in December 2012. The 2012 AQMP demonstrates that the applicable ambient air quality standards can be achieved within the timeframes required under federal law. Population and commercial/industrial growth projections from local general plans adopted by cities in the district and compiled by the Southern California Association of Governments (SCAG) are some of the inputs used to develop the AQMP. The 2012 AQMP also addresses several state and federal planning requirements, incorporating new scientific information, primarily in the form of updated emissions inventories, ambient measurements, and new meteorological air quality models. Specifically, Regulation XXVII (which includes Rules 2701 and 2702). offers definitions and a table for conversion to CO<sub>2</sub>e, and set up the procedures to generate GHG emissions reductions that follow preapproved protocols. In February 2009, SCAQMD adopted Rule 2702 as part of the regulation, and included mechanisms to recognize and quantify voluntary reductions. Many of the proposed measures to reduce GHG emissions rely on local government actions.

## **C.2 CULTURAL AND PALEONTOLOGICAL RESOURCES**

### **a. American Indian Religious Freedom Act (AIRFA)**

42 U.S.C. (1996)

Relevance: The Proposed Action is subject to a federal authorization. AIRFA affirms that it is the policy of federal agencies to protect and preserve for American Indians their right of freedom to believe, express and exercise their traditional religions.

This act recognizes that freedom of religion for all people is an inherent right and that traditional American Indian religions are an indispensable and irreplaceable part of Indian life. Establishing federal policy to protect and preserve the inherent right of religious freedom for Native Americans, this act requires federal agencies evaluate their actions and policies to determine, if changes should be made to protect and preserve the traditional religious rights and practices of Native Americans. Such evaluations are made in consultation with native traditional religious practitioners.

### **b. Archaeological Resources Protection Act of 1979 (ARPA)**

PL 96-95; 16 U.S.C. 470aa et seq. (1979, as amended)

Relevance: A portion of the Proposed Action is located on federal and Indian reservation lands; ARPA applies to all actions on such lands that may uncover or remove archaeological resources.

This act largely supplanted the resource protection provisions of the Antiquities Act for archaeological items. It established detailed requirements for issuance of permits for any excavation for or removal of archaeological resources from federal or Indian lands. It also established civil and criminal penalties for the unauthorized excavation, removal, or damage of any such resources; for any trafficking in such resources removed from federal or Indian land in violation of any provision of federal law; and for interstate and foreign commerce in such resources acquired, transported or received in violation of any state or local law.

### **c. California Health and Safety Code, Section 7050.5.**

Relevance: The Proposed Action is located in California; all actions in the state are required to comply with the California Health and Safety Code.

This establishes intentional disturbance, mutilation or removal of interred human remains as a misdemeanor and requires upon discovery of human remains that further excavation or disturbance of land cease until a county coroner makes a report. The county coroner is required to contact the NAHC within 24 hours if the coroner determines that the remains are not subject to his or her authority and if the coroner recognizes the remains to be those of a Native American.

### **d. California Public Resources Code.**

Relevance: The Proposed Action is located in California; all actions in the state are required to comply with the California Public Resources Code.

- **Section 21083.2.** This states that the lead agency determines whether a project may have a significant effect on “unique” archaeological resources. If there is a significant effect, an EIR is prepared to address the resources. If a potential for damage to unique archaeological resources can be demonstrated, such resources must be avoided; if they can’t be avoided, mitigation measures are required.
- **Section 21084.1.** This indicates that a project may have a significant effect on the environment if it causes a substantial adverse change in the significance of a historic resource; the section further defines a “historic resource” and describes what constitutes a “significant” historic resource.
- **Section 5024.1.** This establishes a California Register of Historic Places; sets forth criteria to determine significance; defines eligible properties; and lists nomination procedures.
- **Section 5097.5.** This states that any unauthorized removal or destruction of archaeological or paleontological resources on sites located on public land is a misdemeanor.

**e. Native American Heritage Commission**

Assembly Bill No 4239 (1979)

Relevance: The Proposed Action is located in California; all construction and operation activities within California are required to protect known or discovered cultural resources consistent with the NAHC.

This bill was passed by the California State Government in 1976, and it established the Native American Heritage Commission (NAHC) as the primary government agency responsible for identifying and cataloguing Native American cultural resources. This bill was followed by legislation in 1982 which authorized the NAHC to identify a Most Likely Descendent (MLD) when Native American human remains are discovered anywhere besides a cemetery. Also regulated by PRC §5097.

**f. Indian Sacred Sites**

EO 13007 (May 24, 1996)

Relevance: A portion of the Proposed Action is located on federal and Indian reservation lands; federal land managing agencies are directed to accommodate access to, and respect the physical integrity of, sacred sites.

In managing federal lands, agencies shall, to the extent practicable, permitted by law, and not inconsistent with essential agency functions, accommodate Indian religious practitioners’ access to, and ceremonial use of, Indian sacred sites. Agencies are to avoid adversely affecting the physical integrity of these sites, maintaining the confidentiality of such sites, and informing tribes of any proposed actions that could restrict access to, ceremonial use of, or adversely affect the physical integrity of, sacred sites.

**g. Consultation & Coordination with Indian Tribal Governments**

EO 13175 (November 6, 2000)

Relevance: A portion of the Proposed Action is located on federal and Indian reservation lands; all projects are required to comply with this EO in the implementation of policies that have tribal implications.

This federal executive order requires agencies to respect Indian tribal self-government and sovereignty, honor tribal treaty and other rights, and strive to meet the responsibilities that arise from the unique legal relationship between the Federal Government and Indian tribal governments, in formulating or implementing policies that have tribal implications.

- **Section 106 (ACHP, 36 CFR Part 800)** sets forth procedures to be followed for determining eligibility for nomination, the nomination, and the listing of cultural resources in the National Register of Historic Places (NRHP). The eligibility criteria and the process are used by federal, state and local agencies in the evaluation of the significance of cultural resources. Very similar criteria and procedures are used by the state in identifying cultural resources eligible for listing in the State Register of Historic Resources.

**h. Native American Graves Protection and Repatriation Act (NAGPRA)**

25, USC, section 3001 et seq. (1990)

Relevance: A portion of the Proposed Action is located on federal and Indian reservation lands; all projects on federal or tribal lands are required to comply with NAGPRA.

This act establishes requirements for the treatment of Native American human remains, funerary objects, sacred objects, and objects of cultural patrimony found on federal or tribal land. In any case where such items can be associated with specific tribes or groups of tribes, the agency is required to provide notice of the item in question to the tribe or tribes. Upon request, each agency is required to return any such item to any lineal descendant or specific tribe with whom such item is associated. There are various additional requirements imposed upon the Secretary.

**i. California Government Code, Section 6254.10**

Relevance: The Proposed Action is located in California; all actions in the state are required to comply with the California Government Code.

This code section protects records of archeological sites by not requiring disclosure of records by the Department of Parks and Recreation, the State Historical Resources Commission, the State Lands Commission, the Native American Heritage Commission, another state agency, or a local agency. Protection of such records adds an additional safety measure to prevent tampering or destruction of valued archeological resources.

**j. Protection and Enhancement of the Cultural Environment**

EO 11593 (May 13, 1971)

Relevance: A portion of the Proposed Action is located on federal land; this EO directs all federal agencies to protect cultural resources under their jurisdiction or control.

Federal agencies are to provide leadership in the preservation, restoration, and maintenance of the historic and cultural environment. Agencies are to locate and evaluate all federal sites under their jurisdiction or control which may qualify for listing on the NRHP. For sites that qualify, agencies are to initiate procedures to maintain such federally owned sites. The Advisory Council on Historic Preservation must

be allowed to comment on the alteration, demolition, sale, or transfer of property which is likely to meet the criteria for listing as determined in consultation with the SHPO.

**k. National Historic Preservation Act (NHPA)**

16 USC 470 (f) (1966, as amended)

Relevance: The Proposed Action is a federal undertaking as defined in Section 106 of the NHPA and is therefore subject to the provisions of the NHPA. This act provided for preservation of significant historical features (buildings, districts, objects, and sites) through a grant-in-aid program to the states. It established a NRHP and a program of matching grants under the existing National Trust for Historic Preservation. The act established an Advisory Council on Historic Preservation, which was made a permanent independent agency in 1976. Federal agencies are directed to take into account the effects of their actions on items or sites listed or eligible for listing in the NRHP.

- **Section 304. 16 U.S.C. 470w-3(a).** Requires non-disclosure of information regarding the location, character, or ownership of a historic resource if it is determined that disclosure may cause a significant invasion of privacy, risk harm to the resource, or impede use of a traditional religious site by practitioners.

**C.3 CLIMATE CHANGE / POLLUTION**

**a. California Code of Regulations Title 17.**

HSC Division 1.8 §§ 124160 and 131051 (2008)

Relevance: The Proposed Action is located in California; all actions in the state are required to comply with the California Code of Regulations.

On December 12, 2008, ARB approved Subarticle 1 of Title 17 of the California Code of Regulations (CCR) to significantly reduce emissions from existing on-road diesel vehicles operating in California. The regulation requires affected trucks and buses to meet performance requirements between 2011 and 2023. Successful implementation of this measure will reduce diesel fuel consumption, truck operating costs, and nitrogen oxide emissions, as well as accelerate industry adoption of existing technologies to reduce GHGs.

**b. California Global Warming Solutions Act of 2006**

Assembly Bill No. 32 (September 27, 2006)

HSC Division 25.5 §38500-3590

Relevance: The Proposed Action is located in California which makes it subject to emission consideration of AB 32 under CEQA.

AB 32 establishes regulatory, reporting, and market mechanisms to achieve quantifiable reductions in GHG emissions and a cap on statewide GHG emissions. AB 32 requires that statewide GHG emissions be reduced to 1990 levels by 2020. This reduction will be accomplished through an enforceable statewide cap on GHG emissions that will be phased in starting in 2012. The California Air Resources Board (ARB) is the agency responsible for coordination and oversight of state and local air pollution control

programs, including global climate change. To effectively implement the cap, AB 32 directs ARB to develop and implement regulations to reduce statewide GHG emissions from stationary sources. AB 32 also includes guidance to institute emissions reductions in an economically efficient manner and gives conditions to ensure that businesses and consumers are not unfairly affected by the reductions. In December 2008, ARB adopted its Climate Change Scoping Plan (Scoping Plan), which contains the main strategies California will implement to achieve reduction of approximately 169 million metric tons (MMT) of carbon dioxide equivalent (CO<sub>2</sub>e), or approximately 30% from the state's projected 2020 emissions level of 596 MMT of CO<sub>2</sub>e under a business-as-usual scenario (ARB 2007). The Scoping Plan also includes ARB-recommended GHG reductions for each emissions sector of the state's GHG inventory.

**c. CEQA Greenhouse Gas Emissions**

Senate Bill 97 (August 24, 2007)

Relevance: The Proposed Action is located in California which makes it subject to CEQA and all subsequent regulations and guidelines.

SB 97, signed August 2007, acknowledges that climate change is a prominent environmental issue that requires analysis under the California Environmental Quality Act (CEQA). This bill directed the California Office of Planning and Research (OPR) to prepare, develop, and transmit to the California Natural Resources Agency (Natural Resources Agency) guidelines for the feasible mitigation of GHG emissions or the effects of GHG emissions, as required by CEQA, by July 1, 2009. The Natural Resources Agency was required to certify or adopt those guidelines by January 1, 2010. On April 13, 2009, the California OPR submitted to the Secretary for Natural Resources its proposed amendments to the State CEQA Guidelines for GHG emissions, as required by SB 97. On December 30, 2009, the Natural Resources Agency adopted the proposed CEQA Guidelines amendments, as required by SB 97. The amendments became effective March 18, 2010. OPR's CEQA Guidelines amendments are incorporated into this analysis.

**d. Federal Compliance with Right to Know Laws and Pollution Prevention Requirements**

EO 12856 (August 3, 1993)

Relevance: Portions of the Proposed Action are located on federal BLM land; thus as a federal agency, BLM is subject to this EO.

This executive order requires federal agencies to comply with the provisions of the Pollution Prevention Act and to assure all necessary actions are taken to prevent pollution. The Council on Environmental Quality provided guidance on pollution prevention in the Federal Register of January 29, 1993.

**e. Greenhouse Gas Emissions Reduction Standards**

EO S-3-05 (June 1, 2005)

Relevance: The Proposed Action is located in California which makes it subject to all state emission standards under CEQA review.

Executive Order S-3-05, signed in 2005, states that California is vulnerable to the impacts of climate change. It declares that increased temperatures could reduce snowpack in the Sierra Nevada, further exacerbate California's air quality problems, and potentially cause a rise in sea level. To combat those concerns, the Executive Order established total GHG emissions targets. Specifically, emissions are to be reduced to the 2000 level by 2010, the 1990 level by 2020, and to 80% below the 1990 level by 2050 (CEC 2006). Further, the Secretary of the California Environmental Protection Agency (CalEPA) is directed to coordinate a multi-agency effort to reduce GHG emissions to the target levels. The Secretary will also submit biannual reports to the governor and state legislature describing progress made toward reaching the emissions targets, impacts of global warming on California's resources, and mitigation and adaptation plans to combat these impacts.

**f. Low Carbon Fuel Standard (LCFS)**

EO S-1-07 (April 23, 2009)

Relevance: The Proposed Action is located in California; all construction or building actions in the state are required to comply with the California Building Code.

Executive Order S-1-07, which was signed by then California Governor Arnold Schwarzenegger in 2007, proclaims that the transportation sector is the main source of GHG emissions in California, at more than 40% of statewide emissions. Executive Order S-1-07 establishes a goal that the carbon intensity of transportation fuels sold in California should be reduced by a minimum of 10% by 2020. This order also directed ARB to determine if this low-carbon fuel standard (LCFS) could be adopted as a discrete early action measure after meeting the mandates in AB 32. ARB adopted the LCFS on April 23, 2009.

**g. Sustainable Communities and Climate Protection Act**

Senate Bill 375 (September 30, 2008)

Relevance: The Proposed Action is located in California; all projects are subject to emission regulations under SB375.

This bill aligns regional transportation planning efforts, regional GHG reduction targets, and land use and housing allocation. SB 375 requires Metropolitan Planning Organizations (MPOs) to adopt a Sustainable Communities Strategy (SCS) or Alternative Planning Strategy (APS) to prescribe land use allocation in that MPO's Regional Transportation Plan (RTP). On September 23, 2010, ARB adopted regional GHG targets for passenger vehicles and light trucks for 2020 and 2035. If MPOs do not meet the GHG reduction targets, their transportation projects would not be eligible for government funding programmed after January 1, 2012.

**C.4 DEVELOPMENT**

**a. California Building Code - Part 2 of Title 24**

CCR Title 24 (as amended)

Relevance: The Proposed Action is located in California; all construction or building actions in the state are required to comply with the California Building Code. Transmission line upgrades and modifications are subject to the geologic and seismic building standards of Title 24.

The California Building Code (CBC) guidelines are derived from the UBC and encompass criteria specific to California, including geologic and seismic characteristics. The 2007 California Building Code (defined in California Code of Regulations [CCR] Part 2 of Title 24) includes additions to the previous building code that make it more stringent, in particular with regard to seismic and earthquake conditions for critical structures such as essential facilities, public schools, and hospitals. The CBC, which is included in Title 24 of the California Administrative Code, is a compilation of three types of building standards from three different origins. International and national model code standards adopted into Title 24 apply to all occupancies in California except for modifications adopted by state agencies and local governing bodies. Facilities and structures such as power plants, freeways, emergency management centers (e.g., traffic management, 911 centers), and dams are regulated under criteria developed by various California and federal agencies.

**b. Riverside County General Plan Noise Element**

(2003, as amended)

Relevance: The Proposed Action is located in Riverside County and is thus governed by the Riverside County General Plan and its various elements.

The Noise Element of the 2025 Riverside County General Plan (Riverside County 2003a) examines noise sources and provides information to be used in setting land use policies to protect noise-sensitive land uses, and for developing and enforcing the County Noise Ordinance. The Noise Element contains policies and programs to achieve and maintain noise levels compatible with various types of land uses. When an acoustical analysis is performed, conformance with the County Noise/Land Use Compatibility Guidelines, provided in the Noise Element, is used to evaluate potential noise impacts and provide criteria for environmental impact findings and conditions for project approval. Land use compatibility defines the acceptability of a land use in a specified noise environment. For residential land uses, these guidelines categorize noise levels of up to 60 A-weighted decibels (dBA) day-night average (L<sub>dn</sub>) or Community Noise Equivalent Level (CNEL) as “normally acceptable,” 60–65 dBA L<sub>dn</sub> or CNEL as “conditionally acceptable,” and 65 dBA L<sub>dn</sub> or CNEL or greater as “normally and conditionally unacceptable.”

**c. Noise Control Act**

42.S.C. §4901 et seq. (1972, as amended)

Relevance: The Proposed Action is located in California which makes it subject to environmental review of noise impacts under CEQA. Transmission lines and associated substation facilities are subject to the FTA established noise thresholds of this act.

The Noise Control Act, administered by USEPA, sets performance standards for noise emissions from “major sources.” The Noise Control Act also contains provisions for national noise standards for trains and motor carriers used in intra-state commerce. In response to Noise Control Act requirements, USEPA developed guidelines in 1974 to assist state and local government entities in development of state and local ordinances, regulations, and standards for noise. There are no federal laws governing off-site (community) noise. The Federal Transit Administration (FTA) has guidelines for assessing groundborne vibration impacts associated with construction of rail projects, which have been applied to other

jurisdictions to other types of projects such as power-generating plants. The FTA-recommended vibration standard is 65 VdB (velocity expressed as decibels) or peak particle velocity (ppv) of 0.002 inches per seconds (in/sec). The FTA threshold of architectural damage for conventional structures is 100 VdB or a ppv of 0.2 in/sec (Federal Transit Administration 2006).

**d. Uniform Building Code (UBC) and Greenbook Standards**

PRC §§ 16000-16004

Relevance: The Proposed Action would involve engineering and construction activities which are regulated by the UBC.

The Uniform Building Code (UBC) and Greenbook standards, part of the California Public Resources Code, are produced through joint efforts by industry groups, such as the International Conference of Building Officials and the American Public Works Association. The purpose is to provide standard specifications for engineering and construction activities, including measures to address geologic and soil issues. These measures encompass issues such as seismic parameters (e.g., classifying seismic zones and faults), engineered fill specifications (e.g., compaction and moisture content), expansive soil characteristics, and pavement design. The referenced guidelines, while not comprising formal requirements, are widely accepted by regulatory authorities and are routinely included in standards such as municipal grading codes. The UBC and Greenbook standards are regularly updated to reflect current industry guidelines and practices.

**C.5 ENERGY**

**a. California Renewables Portfolio**

Senate Bill 1078 (September 12, 2002)

Relevance: The Proposed Action would involve upgrades and modification to energy transmission lines, making the project and participating entities subject to regulation under this act.

SB 1078, signed in September 2002, requires the disclosure of sources of electrical generation to the State Energy Resources Conservation and Development Commission (Energy Commission) as a way of regulating the increase in the capture and use of renewable energy in State. The bill established the California's Renewables Portfolio Standard (RPS) requires investor-owned utilities, electric service providers, and community choice aggregators to increase procurement from eligible renewable energy resources to 20% of total procurement by 2010. Each electrical corporation is required to increase the total procurement of renewable energy by at least 1% per year so that 20% of its retail sales are procured from eligible renewable energy resources.

**b. California Renewable Energy Resources Act**

Senate Bill X1 (2) February 1, 2011

Relevance: SCE and IID are both California electricity providers regulated by this Act. Upgrading of line and facilities is intended to increase the capacity of transmission lines for energy from traditional and renewable sources.

SB X1 (2), signed in February 2011, expands the 2002 California Renewable Portfolio (SB 1078). The Act requires all California electricity providers, including investor owned utilities (IOUs) and publicly owned utilities (POUs), to increase their procurement of energy from renewable resources to 33% by the year 2020. The law contains interim targets of 20% by 2013 and 25% by 2016. It also stipulates that in order to qualify as a renewable resource, the power must come from a "renewable electrical generation facility;" this means a plant that meets certain criteria to meet these targets. Furthermore, SB X1 (2) recognizes that new transmission facilities are necessary to enable the state and individual electricity providers to achieve the targets of the bill.

### **c. Energy Independence and Security Act of 2007**

Pub.L. 110-140 (2007)

Relevance: The Proposed Action would involve upgrades and modification to energy transmission lines, making the project and participating entities subject to regulation under this act.

Passed in 2007, the purpose of this act is “to move the United States toward greater energy independence and security, to increase the production of clean renewable fuels, to protect consumers, to increase the efficiency of products, buildings, and vehicles, to promote research on and deploy greenhouse gas capture and storage options, and to improve the energy performance of the Federal Government, and for other purposes.” The act focuses on improving automobile fuel economy, developing biofuels, and energy efficiency in public buildings and lighting.

### **d. Energy Policy Act**

Pub. L. 109-58 (2005)

Relevance: The Proposed Action would involve upgrades and modification to energy transmission lines, making the project and participating entities subject to regulation under this act.

This act was signed into law on August 8, 2005. The act contains a multitude of provisions covering energy production, distribution, storage, efficiency, conservation, and research. The act requires efficiency standards for certain large appliances and extends Daylight Saving Time to reduce consumption. It provides funding to improve efficiency in low-income housing and expands the Energy Star program. It also requires the Federal Government to increase the efficiency of its buildings and vehicles, and provides tax credits for certain energy-efficient purchases or improvements. Other topics of note are renewable energy, expanding of the Strategic Petroleum Reserve, fuel production access in federal lands, the banning of drilling in the Great Lakes, electricity reliability, hydrogen vehicles, vehicle efficiency and alternative fuels, ethanol, and motor fuels.

### **e. Federal Power Act**

16 U.S.C. §§791-828c (1920, as amended)

Relevance: The Proposed Action includes upgrading and modification to overhead transmission lines. The Federal Energy Regulatory Commission (FERC), under this act, regulates interstate electric transmission lines.

This act established what is now the FERC studies water-related power development possibilities. Licenses and oversees the development of water power project on federal and non-federal lands. On federal land coordinates with agencies and for some agencies they may dictate conditions to be included in licenses. The FERC also regulates interstate electric transmission lines and interstate oil and gas pipelines, and issues ‘certificates of public convenience’ for these interstate facilities. Additional, as utility transmission line the project and implementing agencies are subject to FERC Order No. 888 and 889, establishing and reaffirming the promotion of wholesale competition through open access non-discriminatory transmission services by public utilities.

**f. Guide to the Installation of Overhead Transmission Line Conductors**

IEEE (1980)

Relevance: The Proposed Action includes upgrading and modification to overhead transmission lines and conductors. As a practice, IID and SEC follow the recommendations of the guide for the installation of overhead transmission line conductors.

This guide, published by the IEEE in 1980, provides general recommendations for the selection of methods, equipment and tools that have been found practical for the stringing of overhead transmission line conductors and overhead ground-wires.

**C.6 ENVIRONMENTAL JUSTICE**

**a. Federal Action to Address Environmental Justice in Minority Populations and Low-Income Populations**

EO 12898 (February 11, 1994)

Relevance: The Proposed Action is located in California which makes it subject to environmental review of environmental justice impacts under CEQA.

Agencies shall make achieving environmental justice part of their mission by identifying and addressing disproportionately high and adverse human health or environmental effects of their programs, policies, and activities on minority populations and low-income populations.

**C.7 ENVIRONMENT—GENERALLY**

**a. National Environmental Policy Act (NEPA) of 1969**

42 U.S.C. 4321 et seq. (1970, as amended)

Relevance: A portion of the Proposed Action is located on BLM land which makes it subject to environmental review under NEPA. BLM projects are required to be consistent with NEPA review and CEQ guidance.

NEPA encourages productive and enjoyable harmony between man and his environment; promotes efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man; and enriches the understanding of the ecological systems and natural resources important to the nation

NEPA requires that for recommendations or reports on proposals for legislation and other major actions significantly affecting the quality of the human environment that federal agencies through a systematic, interdisciplinary approach which will ensure the integrated use of the natural and social sciences and the environmental design arts in planning and in decision making which may have an impact on man's environment include a detailed statement by the responsible official on:

- the environmental impact of the proposed action;
- any adverse environmental effects which cannot be avoided should the proposal be implemented;
- alternatives to the Proposed Action;
- the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity; and
- any irreversible and irretrievable commitments of resources which would be involved in the Proposed Action should it be implemented.

The Council on Environmental Quality provides the official guidance for complying with NEPA in the "Regulations for Implementing the Procedural Provisions of the Nation Environmental Policy Act" (40 CFR §§1500-1508).

**b. Bureau of Land Management NEPA Handbook**

H-1790-1 (January 2008)

Relevance: A portion of the Proposed Action is located on BLM land; BLM requires all projects on its land to be reviewed and implemented consistent with the BLM NEPA handbook.

This guidebook published by BLM provides a "how to" for implementing NEPA guidance for BLM employees, projects, contractors, and projects occurring on BLM land. Implementation of NEPA as it relates to the proposed project should be consistent with this internal BLM document.

**c. Environmental Quality Improvement Act**

42 U.S.C. 4371 et seq. (1970)

Relevance: A portion of the Proposed Action is located on BLM, a federal agency, which makes it subject environmental review and oversight.

Ensures that each federal agency conducting or supporting public works activities affecting the environment implements policies established under existing law principally by establishing the Office of Environmental Quality to provide assistance to, and oversight of, federal agencies.

**d. California Environmental Quality Act (CEQA)**

California Public Resources Code § 21000 et seq. (1970)

Relevance: The Proposed Action is located in California which makes it subject to environmental review under CEQA.

CEQA, passed by the state legislature in 1970, requires that all state and local agencies must give major consideration to environmental protection in regulating public and private activities. Under CEQA, environmental impact areas are evaluated for level of impact significance to promote the true evaluation and disclosure of project impacts on the environment.

**e. Strengthening Federal Environmental Energy, and Transportation Management**

EO 13423 (January 24, 2007)

Relevance: A portion of the Proposed Action is located on BLM land; BLM is a federal agency, which makes it subject to federal energy policy.

This act consolidates five executive orders EO 13101, EO 13123, EO 13134, EO 13148, and EO 13149. The EO requires any federal agency operating a fleet of 20 vehicles or more in the US to reduce petroleum consumption by two percent annually through fiscal year 2015. This EO was a consolidation measure and further enforces the Energy Policy Act of 2007.

**f. Riverside County Noise Ordinance**

Ordinance No. 847 (April 4, 2006)

Relevance: The Proposed Action is located in Riverside County and is thus subject to Riverside County ordinances

Riverside County enforces construction and operation noise standards, specified in the referenced Noise Element, through the County Noise Ordinance. The County has an adopted a Noise Ordinance that establishes standards to regulate noise in the county. The Noise Ordinance allows for different levels of acceptable operational noise depending upon land use. The Noise Ordinance limits the hours of construction activities when within 0.25 mile of an inhabited dwelling. Construction is limited to the hours of 6:00 a.m. to 6:00 p.m., June through September, and 7:00 a.m. to 6:00 p.m. October through May. Construction activities greater than 0.25 mile from an inhabited dwelling are exempt from these limits.

**C.8 FIRE**

**a. Riverside County Fire Department Strategic Plan (2009–2029).**

(2003, as amended)

Relevance: The Proposed Action is located in Riverside County and is thus subject to Riverside County plans, as applicable to the action location.

The Riverside County Fire Department initiated its strategic planning process to set goals and priorities for its future. The strategic plan defines current and future needs and recommends goals and strategies to meet those needs during the next 20 years (Riverside County 2013).

**b. California Department of Forestry and Fire Protection (CAL FIRE)**

PRC 4201–4204 and Govt. Code 51175-89

Relevance: The Proposed Action is located in California; all actions in the state are subject to fire mapping and regulations of CAL FIRE. Under CEQA, assessment of fire hazard potential is required.

CAL FIRE is mandated to identify fire hazard severity zones statewide. These are areas of significant fire hazard based on fuels, terrain, weather, and other relevant factors. In state responsibility areas, CAL FIRE has mapped three hazard ranges – moderate, high, and very high. In local responsibility areas, the law only requires identification of very high fire hazard severity zones. These state statutes arose out of legislation following large, catastrophic urban conflagrations and are designed to implement mitigations to reduce damages from wildfires (California Department of Forestry and Fire Protection 2013). Much of Riverside County is rated as a potential wildland fire area by CAL FIRE. According to the Fire Hazards Severity Zone Maps prepared by CAL FIRE (California Department of Forestry and Fire Protection 2007), the project site is not located within or near areas designated as high or very high fire hazard severity zones.

**C.9 FISH AND WILDLIFE**

**a. California Endangered Species Act**

Fish and Game Code Sections 2050-2116 (1984, as amended)

Relevance: The Proposed Action is located in California; all projects are required to evaluate effects on California endangered species.

This act provides for the conservation of ecosystems upon which threatened and endangered species of fish, wildlife, and plants depend, both through federal action and by encouraging the establishment of state programs. The act:

- authorizes the determination and listing of species as endangered and threatened;
- prohibits unauthorized taking, possession, sale, and transport of endangered species;
- provides authority to acquire land for the conservation of listed species, using land and water conservation funds;
- authorizes establishment of cooperative agreements and grants-in-aid to states that establish and maintain active and adequate programs for endangered and threatened wildlife and plants;
- authorizes the assessment of civil and criminal penalties for violating the act or regulations; and
- authorizes the payment of rewards to anyone furnishing information leading to arrest and conviction for any violation of the act or any regulation issued thereunder.

Section 7 of the Endangered Species Act requires federal agencies to ensure that any action authorized, funded, or carried out by them is not likely to jeopardize the continued existence of listed species or modify their critical habitat.

**b. California Department of Fish and Game Code**

Relevance: The Proposed Action is located in California; all projects in California are subject to the regulations of CDFG.

The California Department of Fish and Game Code establishes the framework for protection of sensitive species within California. Key relevant sections are summarized below.

- **Section 2050 et seq.**: Protects California’s endangered and threatened species, including species designated as candidates for listing.
- **Section 3503, Section 3503.5**: Provides protection for the nests and eggs of all birds, and protects raptors (birds of prey) and nongame migratory birds.
- **Section 3511**: Fully Protected Birds; Section 4700: Fully Protected Mammals; Section 5050: Fully Protected Reptiles and Amphibians. Prohibit the taking of listed plants and animals that are classified as “Fully Protected” in California.

**c. Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP)**

(October 2008)

Relevance: The Proposed Action is located within the jurisdiction of the CVMSHCP; plant and animal species are protected and regulated by this plan within the Proposed Action area.

The project area is located within Riverside County and the County’s CVMSHCP. CDFW issued a Natural Communities Conservation Plan (NCCP) permit in September 2008 and USFWS issued a permit for the CVMSHCP in October 2008. The primary goal of the CVMSHCP is “to enhance and maintain biological diversity and ecosystem processes while allowing future economic growth. This goal would allow preservation of a quality of life characterized by well-managed and well-planned growth integrated with an associated open-space system.” The CVMSHCP establishes Conservation Areas including the Thousand Palms Conservation Area and the East Indio Hills Conservation Area in the project area.

**d. Endangered Species Act**

16 U.S.C. 1532 et seq. (1973, as amended)

Relevance: A portion of the Proposed Action is located on federal land; all projects are required to evaluate effects on endangered species.

Enacted by Congress in 1973, the Endangered Species Act designates and protects federally threatened and endangered plants and animals and their critical habitats. It is administered by the U.S. Fish and Wildlife Service and the Commerce Department’s National Marine Fisheries Service. The U.S. Fish and Wildlife Service have primary responsibility for terrestrial and freshwater organisms, while the responsibilities of the National Marine Fisheries Service are mainly marine wildlife. Under the Endangered Species Act, species may be listed as either endangered or threatened. “Endangered” means a species is in danger of extinction throughout all or a significant portion of its range. “Threatened” means a species is likely to become endangered within the foreseeable future. All species of plants and animals,

except pest insects, are eligible for listing as endangered or threatened. For the purposes of the Endangered Species Act, Congress defined species to include subspecies, varieties, and, for vertebrates, distinct population segments

**e. Migratory Bird Treaty Act (MBTA)**

16 U.S.C. §§ 703-712 (1918, as amended)

Relevance: A portion of the Proposed Action is located on federal land; all projects on federal land are subject to the regulation and protections of MBTA.

Originally passed in 1918, the MBTA enforces multi-national conventions for the protection of migratory birds as a shared resources. The MBTA has been amended eight times, most recently in 1989, making it unlawful to ship, transport or carry any bird, part, nest, or egg that has been captured, killed, taken, or otherwise moved from its origin location.

**f. Bald and Golden Eagle Protection Act**

16 USC 661-666c

Relevance: Based on a 2011 eagle survey report conducted by the Wildlife Research Institute (WRI) for the Devers-Palo Verde No. 2 Transmission Line Project (DPV2) Project, a total of 23 golden eagle territories were documented within or overlapping the spatial buffers of the DPV2 project within the SCE portion. The SCE portion of the line is partially parallel with the DPV2 project. Nesting areas are not within the project area for the IID portion. However, golden eagles forage over great ranges and could forage in the project area for the IID portion.

This law, originally passed in 1940, provides for the protection of the bald eagle and the golden eagle (as amended in 1962) by prohibiting the take, possession, sale, purchase, barter, offer to sell, purchase or barter, transport, export or import, of any bald or golden eagle, alive or dead, including any part, nest, or egg, unless allowed by permit Bald Eagle sitting in tree (16 U.S.C. 668(a); 50 CFR 22). “Take” includes pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, molest or disturb (16 U.S.C. 668c; 50 CFR 22.3). The 1972 amendments increased civil penalties for violating provisions of the Act.

**g. Native Plant Protection Act of 1977**

CFGS § 1900 et seq. (1977)

Relevance: The Proposed Action is located in California; all projects are required to evaluate effects on state rare and endangered plants.

Provides specific protection measures for identified populations of state rare and endangered plants.

**h. Agua Caliente Tribal Habitat Conservation Plan**

(August 2010)

Relevance: A portion of the SCE transmission line involved in the Proposed Action extends partially within the boundaries of the Agua Caliente Tribal Habitat Conservation Plan (HCP).

The Agua Caliente Tribal Habitat Conservation Plan (HCP), as covered by the Tribe’s Conservation Program, lists the goals and objectives for conservation and each covered species. This document

describes how a Habitat Preserve would be assembled and legally protected and provides development standards and avoidance, minimization, and mitigation measures. In addition, this document sets forth a monitoring program for the HCP, a Habitat Preserve management program, assurances for funding, and other provisions to achieve the conservation goals and objectives set forth. USFWS has the legal authority to approve the HCP. The Agua Caliente Tribal HCP was last approved in August 2010.

## **C.10 HAZARDS**

### **a. Alquist-Priolo Earthquake Fault Zoning Act**

SB 520 (December 22, 1972), PRC §§ 2621–2630

Relevance: The Proposed Action is located in California in an area of known earthquake faults; under CEQA, all projects are required to evaluate effects from or related to earthquake hazards.

Passed in 1972, the act was drafted to mitigate the hazard of surface faulting to structures designed for human occupancy. The main purpose of the law is to prevent the construction of buildings used for human occupancy on the surface traces of active faults. The law addresses only the hazard of surface fault rupture and is not directed toward other earthquake hazards. The Alquist-Priolo Act requires the State Geologist to establish regulatory zones known as “Earthquake Fault Zones” around the surface traces of active faults and to issue appropriate maps. The maps are distributed to all affected cities, counties, and state agencies for their use in planning efforts. Before a project can be permitted in a designated Alquist-Priolo Earthquake Fault Zone, cities and counties must require a geologic investigation to demonstrate that proposed buildings would not be constructed across active faults.

### **b. California Code of Regulations Title 22**

CCR Title 22, Division 4.5

Relevance: The Proposed Action is located in California; all actions in the state are required to comply with the California Code of Regulations.

Most state and federal regulations and requirements that apply to generators of hazardous waste are spelled out in CCR, Title 22, Division 4.5. Title 22 contains the detailed compliance requirements for hazardous waste generators; transporters; and treatment, storage, and disposal facilities. Because California is a fully authorized state according to RCRA, most RCRA regulations (those contained in 40 CFR 260 et seq.) have been duplicated and integrated into Title 22. However, because the Department of Toxic Substance Control (DTSC) regulates hazardous waste more stringently than USEPA, the integration of California and federal hazardous waste regulations that make up Title 22 do not contain as many exemptions or exclusions as does 40 CFR 260. As with the California Health and Safety Code, Title 22 also regulates a wider range of waste types and waste management activities than the RCRA regulations in 40 CFR 260. To aid the regulated community, California compiled the hazardous materials, waste, and toxics-related regulations contained in CCR, Titles 3, 8, 13, 17, 19, 22, 23, 24, and 27 into one consolidated CCR Title 26 “Toxics.” However, the California hazardous waste regulations are still commonly referred to as Title 22.

**c. California Hazardous Waste Control Law (HWCL)**

22 C.C.R. Div. 4.5 §§ 25100. - 25257.1 (1972, as amended)

Relevance: The Proposed Action is located in California; all projects are subject to regulations regarding the handling and disposal of hazardous waste.

The primary hazardous waste statute in California, the HWCL implements RCRA as a “cradle-to-grave” waste management system in California. The HWCL specifies that generators have the primary duty to determine whether their wastes are hazardous and to ensure their proper management. The HWCL also establishes criteria for the reuse and recycling of hazardous wastes used or reused as raw materials. The HWCL exceeds federal requirements by mandating source reduction planning, and a much broader requirement for permitting facilities that treat hazardous waste. It also regulates a number of types of wastes and waste management activities that are not covered by federal law with RCRA.

**d. Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA)**

42 U.S.C. §§ 9601-9675 (1980)

Relevance: The Proposed Action is located in California on BLM land; analysis is required to evaluate effects related to hazardous materials sites and any associated cleanup/remediation activities.

Congress enacted CERCLA in 1980 in response to the contamination found at an abandoned factory site at Love Canal, New York. CERCLA established requirements for remediation of closed, abandoned hazardous waste sites; provided liability for persons responsible for release of hazardous substances at these sites; and provided that the federal government is the lead agent for the cleanup of hazardous substances, pollutants, or contaminants identified at its sites. CERCLA was amended in 1986 to clarify federal responsibilities for remediating contamination found at its sites.

**e. Resource Conservation and Recovery Act**

42 U.S.C. 6901 et seq. (1976)

Relevance: The Proposed Action is located in California on BLM land; analysis is required to evaluate effects related to hazardous materials and other resources regulated by this act.

This act regulates the treatment, transportation, storage, and disposal of solid and hazardous wastes. The Service is required to comply with standards for wastes generated at its facilities. The key provisions include:

- Identification and listing of hazardous waste and standards applicable to hazardous waste—requires reporting of hazardous waste, permitting for storage, transport, and disposal, and it includes provisions for oil recycling and federal hazardous waste facilities inventories.
- Management for solid waste, including landfills.
- Applicability of federal, state, and local laws to federal agencies.
- Management, replacement, and monitoring of underground storage tanks.

**f. Riverside County General Plan Safety Element**

(2003, as amended)

Relevance: The Proposed Action is located in Riverside County and is thus governed by the Riverside County General Plan and its various elements.

The Safety Element includes discussion, goals, and policies to reduce death, injuries, property damage, and economic and social impacts from hazards throughout the County. Hazards addressed in the element include earthquake, slope and foundation stability, inundation, and fire related issues (County of Riverside 2003a).

**g. Riverside County Ordinance No. 615.3**

Riverside County Code No. 8.60.010

Relevance: The Proposed Action is located in Riverside County and is thus subject to Riverside County ordinances.

This ordinance has been implemented for the purpose of monitoring establishments where hazardous waste is generated, stored, handled, disposed, treated, or recycled and to regulate the issuance of permits and the activities of establishments where hazardous waste is generated. This ordinance designates the Riverside County Department of Environmental Health to enforce the provisions of the California Health and Safety Code, Chapter 6.5, Division 20, Sections 25100 et seq., and the Environmental Health Standards for the Management of Hazardous Waste as specified in CCR, Title 22, Division 4.5 pertaining to the generation, storage, handling, disposal, treatment, and recycling of hazardous waste.

**h. Seismic Hazards Mapping Act (SHMA)**

PRC §§ 2690– 2699.6 (1990, as amended)

Relevance: The Proposed Action is located in California; under CEQA requirements, projects shall evaluate effects related to earthquake hazards as regulated and identified by SHMA.

The SHMA addresses earthquake hazards from nonsurface fault rupture, including liquefaction and seismically induced landslides. SHMA established a mapping program for areas that have the potential for liquefaction, landslide, strong groundshaking, or other earthquake or geologic hazard. SHMA also specifies that the lead agency for a project may withhold development permits until geologic or soils investigations are conducted for specific sites and mitigation measures are incorporated into plans to reduce hazards associated with seismicity and unstable soils.

**i. Superfund Amendments and Reauthorization Act**

10 USC 2701 et seq. (1986)

Relevance: The Proposed Action is located in California; under CEQA requirements, projects shall evaluate effects related to hazardous materials sites.

The Superfund Amendments and Reauthorization Act (SARA) included provisions appropriating funds to federal agencies for the remediation of contamination on federal sites SARA pertains primarily to emergency management of accidental releases. It requires formation of state and local emergency

planning committees, which are responsible for collecting material handling and transportation data for use as a basis for planning. Chemical inventory data are made available to the community at large under the “right-to-know” provision of the law. In addition, SARA also requires annual reporting of continuous emissions and accidental releases of specified compounds. These annual submissions are compiled into a nationwide Toxics Release Inventory.

**j. U.S. Geological Survey Landslide Hazard Identification Program**

Pub.L. 106-113 (1999)

Relevance: The Proposed Action is located in California; under CEQA requirements, projects shall evaluate effects on landslides and other soil disturbances consisted with this program.

The U.S. Geological Survey (USGS), in fulfillment of the requirements of Public Law 106-113, created the National Landslide Hazards Program to reduce long-term losses from landslide hazards by improving understanding of the causes of ground failure and suggesting mitigation strategies. The Federal Emergency Management Agency (FEMA) is the responsible agency for the long-term management of natural hazards.

**C.11 LAND**

**a. The California Desert Protection Act (CDPA)**

Pub.L. 103-433 (1994)

Relevance: Portions of the Proposed Action are located within the Colorado Desert region of the Sonoran Desert and thus subject to the CDPA and associated subarea plans.

This act designated lands in the California Desert as wilderness, established Death Valley and Joshua Tree National Parks, and established the Mojave National Preserve. Each WA designated would be administered by BLM in accordance with the provisions of the Wilderness Act, except that any reference to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this title.

**b. California Desert Conservation Area (CDCA) Plan**

(1980, as amended)

Relevance: Portions of the Proposed Action are located within the boundaries of the CDCA Plan.

In 1980, BLM drafted the California Desert Conservation Area Plan (CDCAP) as required by Section 601 of FLPMA, which prescribes land use policies and resource conservation methods to minimize environmental impacts to sensitive resources within BLM lands. The goal of the CDCAP is to provide for the use of the public lands, and resources of the California Desert Conservation Area, including economic, educational, scientific, and recreational uses, in a manner that enhances wherever possible—and which does not diminish, on balance—the environmental, cultural, and aesthetic values of the Desert and its productivity. The CDCA Plan recognizes that the California desert is “...a reservoir of open space and as a place for outdoor recreation.” The CDCA Plan notes that the diverse landscape of the California desert provides for a variety of physical settings. Further, the CDCA includes the Energy Production and

Utility Corridors Element, which provide guidance on the establishment or expansion of utility planning corridors within BLM lands (CDCAP 1980).

**c. Coachella Valley Plan Amendment to the CDCA Plan**

(BLM 2002)

Relevance: The Proposed Action is located within the boundaries of Coachella Valley and portions are on BLM property included in the Coachella Valley Plan Amendment to the CDCA Plan..

The BLM Record of Decision for California Desert Conservation Area Plan Amendment for the Coachella Valley was issued by the California Desert District Office, Moreno Valley, California ( 11pp) in 2002. The Coachella Valley Plan was developed in coordination with the Coachella Valley Association of Governments to compliment the Coachella Valley Multiple Species Habitat Conservation Plan. The Coachella Valley Plan includes goals, objectives, and management prescriptions for comprehensive management of public lands, including actions supporting recovery of 10 species listed under the federal Endangered Species Act.

**d. City of Cathedral City General Plan**

(November 2009, as amended)

Relevance: Portions of the Proposed Action are located in the City of Cathedral City, thus land within the City is regulated under the general plan.

The City of Cathedral City General Plan identifies the existing land use conditions and addresses future development for the City. The General Plan Map designates 21 land uses within the City.

**e. City of Coachella General Plan**

(Adopted 1997)

Relevance: Portions of the Proposed Action are located in the City of Coachella, thus land within the City is regulated under the general plan.

The City of Coachella General Plan identifies the existing land use conditions and addresses future development for the City that contains, generally, the southern portion of the project area. The General Plan Map designates 13 land uses within the City.

**f. City of Indio General Plan**

(1994, as amended)

Relevance: Portions of the Proposed Action are located in the City of Coachella and thus land within the City is regulated under the general plan.

The City of Indio General Plan identifies the existing land use conditions and addresses future development for the City. The City of Indio General Plan Map designates 39 land uses within the City.

**g. Farmland Mapping and Monitoring Program (FMMP)**

Government Code §65570 (1982)

Relevance: Portions of the Proposed Action are designated as or adjacent to “Farmland” by the FMMP; thus, these portions of the action are subject to evaluation under the standards of FMMP under CEQA.

The California Department of Conservation administers the FMMP; maps and statistical data are produced and used for analyzing impacts to California’s agricultural resources. The goal of the FMMP is to provide consistent and impartial data to decision makers for use in assessing present status, reviewing trends, and planning for the future of California’s agricultural land resources. Agricultural land is rated according to soil quality and irrigation status; the highest quality land is categorized as Prime Farmland. The FMMP also identifies the following categories: Farmland of Statewide Importance, Unique Farmland, Farmland of Local Importance, Grazing Land, Urban and Built-Up Land, and Other Land. The Important Farmland Maps are updated every 2 years with the use of aerial photographs, a computer mapping system, public review, and field reconnaissance.

**h. Farmland Protection Policy Act (FPPA)**

7 USC 4201–4209 (1984)

Relevance: Portions of the Proposed Action are adjacent to active agricultural land or traverse fallow agricultural land; thus, the action is subject to consideration under FPPA.

FPPA regulations require federal agencies to coordinate with the Natural Resources Conservation Service if their activities may irreversibly convert farmland, directly or indirectly, to non-agricultural use. Under FPPA, farmland includes prime farmland, unique farmland, and farmland of statewide or local importance.

**i. Federal Land Policy and Management Act (FLMPA)**

43 U.S.C. 1701 et seq. (1976)

Relevance: Portions of the Proposed Action are located on BLM land and thus subject to the regulations of FLMPA.

The “Organic Act” for the BLM, this act provides for the inventory and planning of the public lands to ensure that these lands are managed in accordance with the intent of Congress under the principles of multiple use and sustained yield. The lands are to be managed in a manner that protects the quality of scientific, scenic, historical, ecological, environmental, air and atmospheric, water resource, and archaeological values that, where appropriate, will preserve and protect certain public lands in their natural conditions, provide food and habitat for fish and wildlife and domestic animals, and provide for outdoor recreation and human occupancy and use by encouraging collaboration and public participation throughout the planning process. In addition, the public lands must be managed in a manner that recognizes the nation’s need for domestic sources of minerals, food, timber, and fiber from the public lands. Many old laws were repealed, but rights obtained under those laws are protected. New authority for the disposal of appropriate public lands through sale or exchange is provided. Right-of-way granting

procedures are provided for both the BLM and the USFS. The regulations contained in 43 CFR Part 2800 and BLM Manual Section 2800 govern the BLM issuance of right-of-way grants.

**j. Riverside County General Plan**

(December 2008, as amended)

Relevance: The Proposed Action is located in Riverside County and is thus governed by the Riverside County General Plan and its various elements.

Relevance: The Proposed Action is located in Riverside County, primarily in the unincorporated areas covered by the Western Coachella Valley Area Plan (WCVAP).

The Riverside County General Plan Land covers the entire unincorporated portion of the County. The thrust of the General Plan is to manage the overall pattern of development more effectively. The Area Plans provide a clear and more focused opportunity to enhance community identity within the County and stimulate quality of life at the community level; there are 20 Area Plans within the Riverside County General Plan to further provide detailed standards and policy direction relating specifically to the specialized area of the County. A comprehensive update to the General Plan was adopted in October 2003. Since its adoption eighty-three General Plan Amendments have been adopted by the Board of Supervisors through a series of resolutions as of December 2008. The General Plan consists of seven elements (Land Use, Circulation, Multi-purpose Open Space, Safety, Noise, Air Quality, and Administration). The pertinent elements are described further below:

- **Land Use Element:** The Riverside County General Plan Land Use Element designates land use for the County, including agricultural land. The goals and policies of the Land Use Element are provided to guide the balance and development of land uses to foster and protect the productive agricultural lands of the County, among other viable land use designations. Goals related to utility corridors include, but are not limited to, maintaining compatibility between land uses, ensuring development does not infringe upon existing utility corridors, and identifying utility uses in many of the land use designations (County of Riverside 2003a). The project area is located within the WCVAP; this area plan requires consistency with County and state regulations related to mitigating seismic, landslide, and flood event hazards. The Riverside County Land Use Element designates 21 land uses throughout the County.
- **Western Coachella Valley Area Plan (2003, as amended 2008)** According to the Riverside County General Plan – Western Coachella Valley Area Plan, some areas are subject to a risk of fire hazards. The highest danger of wildfires can be found in the most rugged terrain where development intensity is relatively low. Methods to address this hazard include such techniques as not building in high-risk areas, creating setbacks that buffer development from hazard areas, maintaining brush clearance to reduce potential fuel, establishing low fuel landscaping, and applying special building techniques. In still other cases, safety-oriented organizations, such as Fire Safe, can provide assistance in educating the public and promoting practices that contribute to improved public safety (County of Riverside 2003b). The Riverside County General Plan – Western Coachella Valley Area Plan also provides policies regarding “critical facilities,” which

include “schools, hospitals, fire and police stations, emergency operation centers, communication centers, dams, and industrial sites that use or store explosives, toxic materials or petroleum products.”

## **C.12 MINING AND MINERAL LEASING**

### **a. Mining and Minerals Policy Act of 1970**

30 U.S.C. 21, et seq. (1970)

Relevance: A portion of the Proposed Action is located on BLM land and adjacent to an area of active mining; thus the Proposed Action is required to consider effects on mining activities and mineral resources under this federal law.

This act expressed the national policy to foster and encourage private enterprise in:

- the development of economically sound and stable domestic mining, mineral, metal, and mineral reclamation industries,
- the orderly and economic development of domestic mineral resources, reserves, and reclamation of metals and minerals to help assure satisfaction of industrial, security and environmental needs,
- mining, mineral, and metallurgical research, including the use and recycling of scrap to promote the wise and efficient use of our natural and reclaimable mineral resources, and
- the study and development of methods for the disposal, control, and reclamation of mineral waste products, and the reclamation of mined land, so as to lessen any adverse impact of mineral extraction and processing upon the physical environment that may result from mining or mineral activities.

### **b. Surface Mining Control and Reclamation Act (SMCRA) of 1975**

30 U.S.C. 1201 - 1328; 18 U.S.C. 1114 (1975, as amended)

Relevance: A portion of the Proposed Action is located adjacent to an area of active mining; thus CEQA requires consideration of impacts on SMCRA mineral resource zones. The Proposed Action does not have impacts related to mineral resources or mining activities.

The Surface Mining and Reclamation Act (SMCRA) in 1975 require the State Geologist to classify land based on the known or inferred mineral resource potential of that land. The State Geologist reports aggregate (sand and gravel) deposits of statewide and regional significance in areas designated Production-Consumption Regions. The designation of land areas and deposits is determined through analysis of geologic reports and maps, field investigations, active mining operations, and analysis by geologists at the California Geological Survey (CGS) in the Department of Conservation. The primary goal of mineral land classification is to ensure that the mineral resource potential of lands is recognized and considered in land-use planning. The classification process includes an assessment of the quantity, quality, and extent of aggregate deposits in a study area. The CGS has produced a report and a series of

Mineral Land Classification Maps for the area that designate Mineral Resource Zones (MRZs) that define areas where important deposits occur.

### **C.13 RECREATION**

#### **a. Riverside County General Plan**

(December 2008, as amended)

Relevance: The Proposed Action is located in Riverside County and is thus governed by the Riverside County General Plan and its various elements.

- **Multipurpose Open Space Element.** The Riverside County General Plan – Multipurpose Open Space Element contains applicable policies promoting development to occur concurrently with parks and recreation (County of Riverside 2003a). The Multipurpose Open Space Element includes policies related to scenic resources and corridors (County of Riverside 2003a). These contain specific policies promoting protection of scenic resources and scenic corridors. Policies relate to the preservation, use, and development of a comprehensive open space system consisting of passive open space areas, and parks and recreation areas that have recreational, ecological, and scenic value. Policies in the Multipurpose Open Space Element also seek to conserve areas identified as containing significant mineral deposits and oil and gas resources for potential future use, while promoting the reasonable, safe, and orderly operation of mining and extraction activities within areas designated for such use, where environmental, aesthetic, and adjacent land use compatibility impacts can be adequately mitigated.
- **Riverside County General Plan Open Space Foundation Component.** The Open Space-Recreation (OS-R) land use designation allows for active and passive recreational uses such as parks, trails, camp grounds, athletic fields, golf courses, and off-road vehicle parks. Ancillary structures may be permitted for recreational opportunities (County of Riverside 2003a). Mineral extraction is considered allowable in many of the land use designations in the Riverside County General Plan. However, the General Plan also includes a designation specific to mineral resources. The Open Space-Mineral Resource land use designation in the General Plan allows for mineral extraction and processing facilities designated on the basis of SMARA classification. Areas held in reserve for future mining activities also fall under this designation. Ancillary structures or uses that assist in the extraction, processing, or preservation of minerals may be permitted and considered on a case-by-case basis.

#### **b. 1975 Quimby Act**

California Government Code §66477 (1975)

Relevance: The Proposed Action is located in California and is thus subject to consideration of park land provisions under CEQA review.

Cities and counties have been authorized since the passage of the 1975 Quimby Act (California Government Code Section 66477) to pass ordinances requiring that developers set aside land, donate conservation easements, or pay fees for park improvements. The goal of the Quimby Act was to require

developers to help mitigate the impacts of property improvements. The Quimby Act gives authority for passage of land dedication ordinances only to cities and counties. Special districts must work with cities and/or counties to receive parkland dedication and/or in-lieu fees. The fees must be paid and land conveyed directly to the local public agencies that provide park and recreation services communitywide.

## **C.14 TRANSPORTATION**

### **a. FAA Obstruction Marking and Lighting**

FAA Advisory Circular No. AC 70/7460-1K

Relevance: The Proposed Action maintains and upgrades transmission line poles; the height of the poles make these structures subject to FAA marking and lighting regulations, as applicable.

This circular from the FAA amends the Federal Aviation Administration's standards for marking and lighting structures to promote aviation safety. Changes in structures along or within FAA airspace are required to be sufficiently marked and lighted; update of standards was issues in February, 2007.

### **b. California Vehicle Code**

Relevance: The Proposed Action is located in California and is thus subject to all state codes. The Proposed Action crosses streets and Interstate 10 making it subject to regulation by Caltrans.

Use of public roads in the project area is subject to regulation by the California Vehicle Code and enforced by the sheriffs' departments of Riverside County. Planning and improvement of major local roads is under the jurisdiction of the Riverside County Transportation Department. Caltrans administers the planning and improvement of freeways and state highways.

### **c. Riverside County General Plan Circulation Element**

(2003, as amended)

Relevance: The Proposed Action is located in Riverside County and is thus governed by the Riverside County General Plan and its various elements.

The Riverside County General Plan – Circulation Element contains policies related to scenic roadways in the county (County of Riverside 2003a). The Riverside County General Plan Circulation Element includes policies and programs for improvement to regional transportation, congestion management, design standards and capacities of major circulation routes, and alternative transportation modes are provided in.

### **d. State of California State Scenic Highway Program**

Streets and Highway Code §260 (1963)

Relevance: The Proposed Action is located in California and is thus subject to the state Streets and Highway Code; under CEQA all projects are required to consider impacts to scenic highways. The Proposed Action is does not impact a scenic highway.

Caltrans manages the State Scenic Highway Program. According to Caltrans' Scenic Highways Guidelines (Caltrans 2013) the program does the following:

*...provides guidance, and assists local government agencies, community organizations, and citizens with the process to officially designate scenic highways.*

The guidelines describe the criteria for the program, the nomination process for designation, and the process for compliance reviews and revocations.

### **C.15 WATER—GENERAL**

#### **a. California Water Code, Irrigation District Law**

CWC Division 11 §20500 (1948, as amended)

Relevance: The Proposed Action is located in California and is thus subject to all state codes. Additionally, a portion of the Proposed Action would be administered by the Imperial Irrigation District which is governed by the Irrigation District Law.

This code establishes the operation and regulation of irrigation districts, including activities and financial transactions. The actions, projects, and financial transactions of IID are governed by this code and all project activities are required to be consistent with the provisions.

#### **b. Clean Water Act**

Pub.L. 95-217 (1972, as amended)

Relevance: The Proposed Action is located on BLM land, and is thus subject to consider impacts on water and secure or comply with any relevant permits.

The CWA extensively amended the Federal Water Pollution Act. Of particular significance were the following provisions:

- Development of a BMP Program as part of the state areawide planning program
- Authority for the USACE to issue general permits on a state, regional, or national basis for any category of activities which are similar in nature will cause only minimal environmental effects when performed separately and will have only minimal cumulative adverse impact on the environment
- Exemption of various activities from the dredge and fill prohibition including normal farming, silviculture, and ranching activities (33 U.S.C. 1344(f))
- Procedures for state assumption of the regulatory program.

The CWA requires the EPA to establish water quality standards for specified contaminants in surface waters and forbids the discharge of pollutants from a point source into navigable waters without a National Pollutant Discharge Elimination System (NPDES) permit. NPDES permits are issued by EPA or the appropriate state, if it has assumed responsibility. Section 404 of the CWA establishes a federal

program to regulate the discharge of dredged and fill material into waters of the United States. Section 404 permits are issued by the USACE. Section 401 of the CWA requires that any activity, including river or stream crossings during road, pipeline, or transmission line construction, which may result in a discharge into a state water body must be certified by the RWQCB. This certification ensures that the proposed activity does not violate state and/or federal water quality standards. Section 402 establishes the NPDES for the discharge of any pollutant into waters of the U.S. Under Section 402, RWQCBs may issue an NPDES permit that allows discharge of pollutants as long as the discharge does not reduce water quality below the adopted water quality standards.

**c. Colorado River Basin Water Quality Control Plan**

Resolution No. 93-145 (November 17, 1993)

Relevance: The Proposed Action is located within the Colorado River Basin, and is thus subject to the Basin Plan. Under CEQA, analysis is required for consistency with all plans applicable to the project area.

The Colorado River Basin Water Quality Control Plan (Basin Plan), in accordance with criteria contained in the Porter-Cologne Act, the CWA, and other pertinent state and federal rules and regulations, provides definitive guidelines and gives direction to the full scope of regional board activities that serve to optimize the beneficial uses of the state waters within the Colorado River Basin Region of California by preserving and protecting the quality of these waters. The Basin Plan lists and defines the various beneficial water uses; describes the water quality that must be maintained to support such uses; describes the programs, projects, and other actions that are necessary to achieve the standards established within the Basic Plan; and summarizes the various plans and policies that protect water quality (Colorado River Basin Regional Water Quality Control Board 2006).

**d. Floodplain Management**

EO 11988 (May 24, 1977)

Relevance: The Proposed Action is located on federal land, and is thus subject to consider effects on floodplain management under environmental review.

The purpose of this federal EO is to prevent agencies from contributing to the “adverse impacts associated with the occupancy and modification of floodplains” and the “direct or indirect support of floodplain development.” In the course of fulfilling their respective authorities, agencies “shall take action to reduce the risk of flood loss, to minimize the impact of floods on human safety, health and welfare, and to restore and preserve the natural and beneficial values served by floodplains.”

Before proposing, conducting, supporting or allowing an action in a floodplain, each agency is to determine if planned activities will affect the floodplain and evaluate the potential effects of the intended actions on its functions. Agencies shall avoid siting development in a floodplain “to avoid adverse effects and incompatible development in the floodplains.”

**e. Porter-Cologne Act of 1969**

CWC Division 7 (1969, as amended)

Relevance: The Proposed Action is located in California, and is thus subject to all state codes.

The Porter-Cologne Water Quality Control Act (Porter-Cologne Act) requires regional compliance with state water quality plans adopted by the SWRCB. RWQCBs prepare water quality plans for nine regions in California. The plans identify the beneficial uses of water that should be protected, establish water quality objectives, and define an implementation program to meet water quality objectives. The project area is within the Colorado River Basin Region (Region 7).

**f. Regional Water Quality Control Board – Region 7**

Relevance: The Proposed Action is located in Region 7 of the Regional Water Quality Control Board, and is thus governed by Region 7 policies.

The RWQCB Colorado River Basin Region 7 governs water quality and discharge actions for all of Imperial County, and Portions of San Bernardino, Riverside, and San Diego Counties. Region 7 considers the groundwater basin underlying the Coachella Valley to be the most regionally important groundwater source. National Pollution Discharge Elimination System (NPDES) permits and Storm Water Pollution Prevention Plan (SWPPP) actions are required to be consistent with RWQCB Region 7 policies.

**g. State Water Resources Control Board (SWRCB) - Stormwater Permits**

Relevance: The Proposed Action is located in California, and is thus subject to the Stormwater Permit requirements as regulated by SWRCB.

The SWRCB has developed a statewide General Construction Activity Stormwater Permit and a General Industrial Activity Stormwater Permit for projects that do not require an individual permit for these activities. All construction activities that disturb 1 acre or more must prepare and implement a construction SWPPP that specifies BMPs to prevent pollutants from contacting stormwater. The intent of the SWPPP and BMPs is to keep all products of erosion from moving off-site into receiving waters, eliminate or reduce non-stormwater discharges to storm sewer systems and other waters of the U.S., and perform sampling and analytical monitoring to determine the effectiveness of BMPs in reducing or preventing pollutants (even if not visually detectable) in stormwater discharges from causing or contributing to exceedances of water quality objectives. The General Industrial Activities Stormwater Permit requires dischargers to develop and implement a SWPPP to reduce or prevent industrial pollutants in stormwater discharges, eliminate unauthorized non-storm discharges, and conduct visual and analytical stormwater discharge monitoring to verify the effectiveness of the SWPPP.