



Environmental Rules



This flyer provides a brief overview of environmental laws and executive orders that may apply to projects that receive disaster relief grant funds. The Environmental/Historical Unit (EHU) can assist Cal OES staff and public agencies determine which laws and executive orders may apply to their project(s).



Websites

Cal OES

www.caloes.ca.gov

FEMA Region IX

<https://www.fema.gov/fema-region-ix-environmental-planning-and-historic-preservation-program>

ACHP

<http://www.achp.gov/>

National Marine/Fisheries

www.nmfs.noaa.gov

National Park Service

www.nps.gov

Natural Resources

Conservation Service

www.ca.nrcs.usda.gov

US Army Corp of Engineers

www.spk.usace.army.mil/

US Fish & Wildlife

<http://pacific.fws.gov>

Air Resources Board

www.arb.ca.gov

Coastal Commission

www.coastal.ca.gov

Dept. of Fish and Wildlife

www.cdfw.ca.gov

Native American Heritage
Commission

www.nahc.ca.gov

State Historic Preservation
Office

www.ohp.parks.ca.gov

Water Resource Control Board

www.swrcb.ca.gov

Environmental Laws and Executive Orders

- ☑ **National Environmental Policy Act (NEPA)** - National policy for the protection and maintenance of the environment. NEPA establishes procedures for examining impact of federal “undertakings” on the environment and for informing governmental agencies and the general public.
- ☑ **California Environmental Quality Act (CEQA)** – CEQA has been called the State’s most important environmental law. It requires state and local agencies to assess the environmental effects of projects they intend to construct or permit and to consider these affects in their decision-making. CEQA is implemented by the preparation of environmental documents including EIRs, mitigated negative declarations, and negative declarations. Some types of projects may be exempt from CEQA.
- ☑ **National Historic Preservation Act (NHPA) Section 106** - Section 106 of the NHPA requires federal agencies to take into account the effect of their undertakings on historic properties and allow the State Historic Preservation Officer and the Advisory Council on Historic Preservation an opportunity to comment on the effects of these undertakings.
- ☑ **Federal Endangered Species Act (ESA)** – An act designed to protect and conserve federally listed species. Section 7 of ESA requires federal agencies to consult with the USFWS and NMFS to determine the effect of federal undertakings on listed species. USFWS and NMFS may establish “reasonable and prudent measures” and “terms and conditions” to protect endangered species or their habitat.
- ☑ **California Endangered Species Act (CESA)** - Administered by the California Department of Fish and Wildlife. CESA prohibits the “taking” of state listed species except as otherwise provided in State law.
- ☑ **Fish and Wildlife Coordination Act** - Federal agencies must assess the impact that water-related projects will have on fish and wildlife resources and take actions to prevent their loss or damage.
- ☑ **Clean Air Act** – An act designed to ensure that federal projects do not have a negative impact on air quality. Requires that grantees understand the need for special conditions for the approval of grant funds.
- ☑ **Rivers and Harbors Act** - Requires permits for excavation, construction and or deposition of materials in, over or under navigable waters.

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Environmental Laws and Executive Orders - *Continued*

- ☑ **California Native American Historical, Cultural and Sacred Sites Act** - Upon discovery of human remains, the activity ceases and the county coroner is notified. If the remains are of a Native American, the coroner notifies the Native American Heritage Commission (NAHC). NAHC then notifies those persons mostly likely to be descended from the Native American remains.
- ☑ **Native American Graves Protection & Repatriation Act** – This law specifies the requirements for the identification and appropriate disposition of human remains, funerary objects, and sacred objects of cultural patrimony and protection of Native American graves and other cultural items located on federal and tribal land.
- ☑ **Clean Water Act** – An act designed to ensure protection of the “waters of U.S.” and wetlands. Section 404 of the act requires that permits be issued through the U.S. Army Corps of Engineers to regulate the discharge of dredge and fill material in these areas. Under Section 401 of the act, the discharge of dredge and fill material into waters of the U.S. must not violate State water quality standards.
- ☑ **Coastal Barrier Resources Act (CBRA)** – Restricts the types of assistance allowed in designated coastal areas.
- ☑ **American Indian Religious Freedom Act (AIRFA)** – Protects the rights of Native Americans to exercise their traditional religion. Ensuring access to sites, use and possession of sacred objects and the freedom to worship through ceremonies and traditional rites.
- ☑ **Coastal Zone Management Act** – Ensures that federal projects will be consistent with state coastal zone management programs.
- ☑ **Wild and Scenic Rivers Act (WSRA)** – The WSRA establishes requirements applicable to both the river or river segments and the land immediately surrounding them.
- ☑ **Farmland Protection Act** - Encourages the preservation of prime and important farmlands by minimizing the extent to which federal programs contribute to the conversion of farmland to non-agricultural use.
- ☑ **Executive Order 11990, Protection of Wetlands** - Requires federal agencies to assess impact of projects on wetlands and minimize potential damage.
- ☑ **Executive Order 12898, Environmental Justice** - Requires federal agencies to assess impact of projects on low income and minority population.
- ☑ **Executive Order 12699, Seismic Safety** - Requires that construction projects in seismically sensitive areas meet specific standards to resist the seismic conditions of that area.
- ☑ **Executive Order 11988, Floodplain Management** - Requiring federal agencies to avoid negative impact from additional occupancy and modification to floodplains.



- ☞ Do not assume that environmental and historic reviews are not needed.
- ☞ Start the environmental historic review very early in the project review process.
- ☞ A statutorily or categorically excluded project may need environmental historic review to address laws other than NEPA.
- ☞ Develop other alternatives (does not mean there is something wrong or your project will not be funded).
- ☞ Although there may be great benefits associated with a project, there may also be adverse impacts.
- ☞ A good clear description of the project and its location will prevent delays in the environmental historic review process.



QUESTIONS?

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FAILURE TO COMPLY CAN RESULT IN: LOSS OF FUNDING, DELAYS, LEGAL ACTION, AND NEGATIVE PUBLICITY.

