

# California Environmental Laws and Executive Orders

This flyer provides a brief overview of California environmental laws and executive orders that may apply to projects that receive disaster relief funds. The Cal OES Environmental-Historical Program (EHP) is available to assist Cal OES staff and other public agencies to determine which laws and executive orders may apply to their project(s).

## Laws

- ☑ **California Environmental Quality Act (CEQA)** – CEQA institutes a statewide policy of environmental protection that requires State and local agencies to consider environmental protection a mandatory part of their decision making process. Documents associated with CEQA include: Initial Study, Negative Declarations, Mitigated Negative Declarations, and Environmental Impact Reports; the keystones in a city or county entitlement process to enable project development. The 2019 CEQA update has added to the Appendix G Environmental Checklist Form the topics of ‘Wildfire’ and ‘Energy’ to be evaluated as “Environmental Factors Potentially Affected” in view of the high number of state and federal disasters that have occurred recently in the State. Source: <http://resources.ca.gov/ceqa/>
- ☑ **California Clean Air Act (CCAA)** – This act, known also as the Mulford-Carrell Act, was enacted by legislature and represented the first State law to address air quality issues with the creation of the California Air Resources Board (CARB) and local air district. Their purpose is to attain and maintain healthy air quality; protect the public from exposure to toxic air contaminants; and provide innovative approaches for complying with air pollution rules and regulations, including greenhouse gases and climate change which were added in 2006 amendments. Source: <https://ww2.arb.ca.gov/search/site?keys=mullford-carrell+acdt>
- ☑ **Porter-Cologne Water Quality Control Act (also known as the Porter-Cologne Act, PCA)** – This law established the State Water Resources Control Board (State Board) that has the ultimate authority over State water rights and water quality policy and nine Regional Water Quality Control Boards (Regional Boards) that oversee water quality on a day-to-day basis at the local/regional level. Source: [https://www.waterboards.ca.gov/laws\\_regulations/docs/portercologne.pdf](https://www.waterboards.ca.gov/laws_regulations/docs/portercologne.pdf)
- ☑ **California Endangered Species Act (CESA)** – This act is administered by the California Department of Fish and Wildlife (CDFW) and prohibits the “taking” of State-listed species, except as otherwise provided in State law. If a species is listed by both the federal Endangered Species Act (ESA) and (CESA), Fish and Game Code section 2080.1 allows an applicant who has obtained a federal incidental take statement (federal Section 7 consultation) or a federal incidental take permit (federal Section 10(a)(1)(B)) to request that the Director of CDFW find the federal documents consistent with CESA. If the federal documents are found to be consistent with CESA, a consistency determination (CD) is issued and no further authorization or approval is necessary under CESA. Source: [http://resources.ca.gov/wetlands/permitting/cesa\\_summary.html](http://resources.ca.gov/wetlands/permitting/cesa_summary.html)
- ☑ **California Fish and Game Code** - The California Fish and Game Code is written in 13 Divisions, which establish the basis of fish, wildlife, and native plant protections and management in the state. Some important general sections in the Fish and Game Code that concern wildlife are Sections 1801 and 1802 that establish the CDFW and state policy of conservation of native species and gives CDFW the authority to review all “projects” under the California Environmental Quality Act (CEQA), which is the main driver for protection of native species and habitat. Source: <https://fgc.ca.gov/Regulations/Current>
- ☑ **Forest Practice Act (FPA)** - The Forest Practice Act was enacted in 1973 to ensure that logging is done in a manner that will preserve and protect our fish, wildlife, forests and streams. The State Board of Forestry and Fire Protection enacts and enforces through CalFire additional rules to protect CalFire for review and approval. In January 2019 the Board of Forestry and Fire Protection adopted emergency regulations to restructure, modify and standardize existing, and create new, exemptions from the plan preparation and submission requirements of the FPA to person(s) engaged in specified forest management activities (i.e., demonstrated emergency). Source: [http://www.fire.ca.gov/resource\\_mgt/resource\\_mgt\\_forestpractice](http://www.fire.ca.gov/resource_mgt/resource_mgt_forestpractice)
- ☑ **Native Plant Protection Act (NPPA)** - The NPPA was enacted in 1977 and allows the Fish and Game Commission to designate plants as rare or endangered. There are 64 species, subspecies, and varieties of plants that are protected as rare under the NPPA. The NPPA prohibits take of endangered or rare native plants, but includes some exceptions for agricultural and nursery operations; emergencies; and after properly notifying CDFW for vegetation removal from canals, roads, and other sites, changes in land use, and in certain other situations. Source: <https://www.wildlife.ca.gov/Conservation/Plants/Laws>
- ☑ **California Coastal Act of 1976 (CCA)** – This act extended indefinitely the mission of the California Coastal Commission established in 1972 by passage of Proposition 20, a voter initiative. The agency is tasked with controlling the construction

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along the state's 1,100 miles of shoreline and protection of coastal resources, including: shoreline public access and recreation, lower cost visitor accommodations, terrestrial and marine habitat protection, visual resources, landform alteration, agricultural lands, commercial fisheries, industrial uses, water quality, offshore oil and gas development, transportation, development design, power plants, ports, and public works. Source: <https://www.coastal.ca.gov/coastact.pdf>

- ☑ **California Native American Historical, Cultural and Sacred Sites Act** – This law requires that if upon discovery of human remains during construction activities on state and private lands, 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) that then notifies those persons mostly likely to be descended from the Native American remains. Source: [http://www.nathpo.org/State\\_Laws/California.htm](http://www.nathpo.org/State_Laws/California.htm)
- ☑ **California Superfund** - This law was enacted in 1981 to ensure the clean up contaminated hazardous substance sites in the State, in a manner similar to the 1980 federal Superfund law. The California Environmental Protection Agency (Cal EPA), Department of Toxic Substances Control (DTSC) works jointly with the U.S. EPA to oversee cleanup at the 94 federal National Priority List sites in California. Approximately 4,200 State-listed sites in California are not listed under the federal program are cleaned up under a number of state programs. Also within Cal EPA is the Office of Environmental Health Hazard Assessment (OEHHA) that develops objective scientific evaluation of risks posed by hazardous substances to in compliance with this law that requires site-specific human health and ecological risk assessments to establish site clean-up levels instead of applying “default” clean-up standards for constituents of concern in soil and water. Source: [https://lao.ca.gov/1999/011199\\_superfund\\_reprint.html](https://lao.ca.gov/1999/011199_superfund_reprint.html)
- ☑ **Other Environmental Laws:**
  - **Flood Control** - The recent SB 753 (Steinberg 2013) gave the Central Valley Flood Protection Board (CVFPB) new tools to deal with long-standing illegal encroachments upon, under, and around flood control structures which undermine the integrity and stability of the system. This law may be applied to all Flood Protection Boards in the State that were originally chartered in 1911 as the Reclamation Board, an agency that served as the liaison between the State, its residents, property owners, Central Valley agencies, and the U.S. government, with the mission “to reduce the risk of catastrophic flooding to people and property within the California central valley” while also considering environmental and habitat concerns. Source: [http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=201320140SB753](http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140SB753)
  - **Wildfire** – The SB 901, passed on September 21, 2018 and became effective January 1, 2019, makes comprehensive changes to forestry management and fuel reduction under the FPA in order to mitigate the risk of wildfires across the state and address the disposal of the massive amounts of dead wood and brush that fuel wildfires and is associated with the Exemption Emergency Regulations, 2019, summarized above. It would spend \$1 billion over five years on fire prevention. Source: [http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=201720180SB901](http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180SB901)
  - **California Planning and Zoning Laws, Government Code Sections 65000 through 66499.58** - provide for municipalities to administer regulations and procedures allowing for the planning and development of lands compliant with State requirements. Recent amendments to Government Code Section 65302:
    - ✓ AB3065 (Kehoe) - requires preparation of a Safety Element to be submitted to the State Board of Forestry and Fire Protection and local agencies that provide fire protection to territory in the city and county (Source: [http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=200320040AB3065](http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=200320040AB3065)); and
    - ✓ AB 2140 (Hancock) – authorizes a city or county to adopt with its General Plan Safety Element a federally specified local hazard mitigation plan and limits the state share for projects eligible under the California Disaster Assistance Act unless a local jurisdiction has adopts a local hazard mitigation plan in accordance with the federal Disaster Mitigation Act as part of its General Plan Safety Element. Source: [http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=200520060AB2140](http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=200520060AB2140)

Together with the addition of ‘Wildfire’ and ‘Energy’ to the CEQA Environmental Checklist Energy’ to be evaluated as “Environmental Factors Potentially Affected” it is clear the intention of these recent additions to California laws and regulations that it is important to address a proposed project in a manner that creates a practice in hazard mitigation planning to enhance and conserve the State’s natural and historical resources.

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## Executive Orders

- ☑ **Executive Order B-52-18** - Governor Brown issued Executive Order B-52-18 on May 10, 2018 to support the state's resilience to wildfire and other climate impacts, address extensive tree mortality, increase forests' capacity for carbon capture, and improve forest and forest fire management. The Order commits \$96 million in additional state funds to: Improving Forest Management and Restoration; Providing Regulatory Relief; Reducing Barriers for Prescribed Fire; Boosting Education and Outreach to Land Owners; and for Supporting Wood Products Innovation.  
Source: <https://www.adaptationclearinghouse.org/resources/california-eo-b-52-18-executive-order-to-improve-forest-and-community-resilience-to-wildfire-and-other-climate-impacts.html>

## **For Further Information, please contact:**

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