



REPLY TO
ATTENTION OF

Office of the Chief
Engineering Division

DEPARTMENT OF THE ARMY

LOS ANGELES DISTRICT CORPS OF ENGINEERS
P.O. BOX 532711
LOS ANGELES, CALIFORNIA 90053-2325

April 26, 2012

Mr. Douglas R. Failing, P.E.
Executive Director, Highway Program
Los Angeles County Metropolitan Transportation Authority
One Gateway Plaza
Los Angeles, California 90012-2952

Dear Mr. Failing:

This letter is in response to your agency's request for our comments and conceptual approval of the I-710 Corridor Project documentation reports provided on 2 February 2012. We performed a preliminary review of the LA River Impact Report and the Draft Environmental Impact Report/Environmental Impact Study (EIR/EIS) for the I-710 Corridor project and have the following comments.

The potential effects of the alternatives as presented in the I-710 Corridor Study, which include a four-lane freight corridor and other project features that parallel and cross the Los Angeles River and Compton Creek, are of major concern to us. Alternative 6A/B/C also includes longitudinal encroachments between Firestone Boulevard and Slauson Avenue to accommodate the relocation of ten DWP transmission towers into the existing Los Angeles River channel. The proposed project includes the construction of four new structures over the Los Angeles River channel, three new structures over Compton Creek channel, and extensive use of property that is owned by our Non-Federal Sponsor (Los Angeles County Department of Public Works) to support the operation and maintenance of the Los Angeles River flood control project. We will need further detailed analysis to properly evaluate whether the proposed alteration or modification to the Federal project can or should be permitted. Without having additional analysis, we note that the relocation of the ten DWP transmission towers and the reconfiguration of the bridge crossings, as proposed, could change the hydraulic functioning of the Los Angeles River channel system, and could have a detrimental impact to the flood conveyance capacity of the Federal project.

In addition, the land, easements and rights-of-way that were acquired by our Non-Federal Sponsor for the Los Angeles River project, provide access to the project for operation and maintenance and for future modifications as needed to maintain or restore the level of protection currently provided by the project. Future modifications to restore or upgrade the capacity of the river could be limited or prevented by the transmission tower relocations and other channel modifications proposed by your project. If your proposed project were constructed, it would limit the potential for future modifications and improvements to the Los Angeles River in the area of your improvements, and this factor weighs heavily in our evaluation.

As mentioned in previous correspondence, modifications such as this fall under the classification of a Major Section 408 permit and as such, can only be permitted with USACE-

Headquarters (HQUSACE) approval. When a request is presented for a Section 408 Permit for the alteration or modification to a Corps constructed project, we look to the Applicant to clearly demonstrate the need and reasonableness for the alteration. Additionally, the Applicant must provide practicable alternatives to the proposed alteration that avoids impacts to the Federal project and these alternatives must be considered and presented as part of the permit request documentation. If an alteration is determined necessary and there are no reasonable and practicable alternatives outside of the public works project area, then our Non-Federal Sponsor, in collaboration with the Corps of Engineers Los Angeles District, must ensure that the proposed alteration/modification is developed to minimize impacts to the Federal project and that sufficient information is included in each request to facilitate a comprehensive evaluation of potential impacts to system performance.

Our utmost concern is how your proposed modifications would affect the functioning and purpose of the Los Angeles County Drainage Area (LACDA) Federal project. During the 1990's a physical model study of the Los Angeles River (from the Rio Hondo Confluence to the Pacific Ocean) and Rio Hondo Diversion Channel (from Whittier Narrows Dam to the Los Angeles River confluence) was performed to develop an efficient design which reduced the construction costs and increase the confidence in the design. This model study allowed us to move forward and complete the design and construction of the LACDA Project, which now provides a 133-year level of protection for the various communities along the Los Angeles River from Commerce to Long Beach. Due to the sensitivity of the flow regime to any obstructions and alterations within the Los Angeles River, Rio Hondo, and Compton Creek channels, we will require both a numerical model and a physical model(s) to demonstrate that your proposed modifications do not adversely affect the level of protection provided by the project. Further comments related to the proposed design as presented in the Impact Study are provided in the enclosure.

The Corps is not in favor of any modification or alteration that would adversely impact the hydraulic capacity of these flood control features or otherwise impact the authorized function of the LACDA Project. Specifically, we recommend that you closely re-evaluate the impacts of the ten transmission towers' impingement on the existing LA River channel section, as well as perform the necessary detailed analysis to adequately determine the hydraulic impacts caused by the proposed bridge widenings and additions, and communicate your findings to the Corps prior to moving forward with your recommended alternatives.

Additionally, we have reviewed the preliminary Draft EIR/EIS for the I-710 Corridor project. The DEIS should sufficiently describe and analyze the alternatives and their impacts (construction as well as short term and long term operational temporary and permanent impacts) related specifically to our actions in order for us to perform our NEPA, Rivers and Harbors Act (Section 408), and Clean Water Act (Section 404), responsibilities for all the Corps decisions that the project requires. We have also attached comments from our Regulatory Division and our Environmental Resources Branch. Please note that an approved Section 408 permit, or a determination by the local Corps District that a Section 408 permit is not applicable, is required prior to a final permit decision is made on any Section 404/10 application.

Further clarification of the Section 408 permit process is provided below to better assist you in your Project planning and scheduling. Typically, processing of a Major 408 Permit

consists of several steps, including the project initiation, technical and NEPA preparation and review, transmittal to HQUSACE for approval, finalization of documents, and final permit approval. Prior to sending a request to HQUSACE for review, the package must contain the following items:

- a. A complete Project description;
- b. 60% level plans and specifications with all major components identified;
- c. Technical analysis and design in sufficient detail to address geotechnical, structural, and hydraulic conditions and circumstances in the baseline and proposed condition;
- d. A draft NEPA document (a joint NEPA/CEQA document is acceptable);
- e. Risk Analysis. In accordance with our Engineering Regulations, a risk analysis is required for evaluations of all Major 408 alterations to USACE local flood protection projects. Impacts will be determined by comparing performance parameters as presented in ER 1110-2-101 for the existing or base condition to the condition that would result if the proposed alteration is approved. The base performance conditions are defined by authorized project features.
- f. Operation and maintenance requirements and a plan for implementation;
- g. A real estate analysis that would include a description of all lands, easements and rights of way required for the modification, including proposed estates; a description of lands, easements and rights of way owned as a part of the congressionally authorized flood risk management project that is the subject of the modification requested; and maps clearly depicting both required real estate and existing real estate limits.
- h. A Safety Assurance Review (SAR) is conducted by an independent panel of experts to review the adequacy, appropriateness, and acceptability of the design and construction activity for the purpose of assuring that good science, sound engineering, public health, safety, and welfare are the most important factors that are used in the assessment of a proposed alteration. Guidance for preparing a SAR Plan and conducting a SAR is found in our EC 1165-2-209.

The Corps will have the responsibility for performing the Agency Technical Review (ATR) for the Section 408 permit application. The ATR will ensure that the product is consistent with established criteria, guidance, procedures, and policy. The ATR will assess whether the analyses presented are technically correct and comply with published USACE guidance, and that the document explains the analyses and results in a reasonably clear manner for the public and decision makers. Typically, there is an initial conceptual submittal prior to this 60% level submittal to help in guiding the applicant in providing the required information needed for this process.

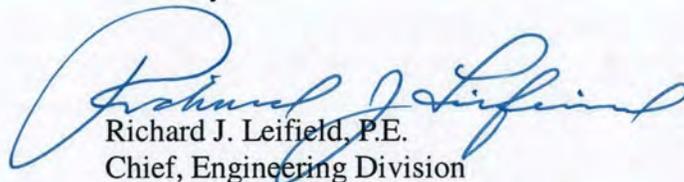
Upon resolution and completion of the ATR, the Corps will prepare a determination of the technical soundness and environmental acceptability, including coordination of Section 404/10 and NEPA compliance and transmit the proposed modification package to the South Pacific Division (SPD) Commander. The SPD Commander will perform a Policy Compliance Review to ensure compliance with all applicable statutory and policy requirements, and then

forward the alteration request to HQUSACE for preliminary approval. If HQUSACE agrees with the request and grants preliminary approval, the Applicant can then move forward with the preparation of the final package which includes final plans and specifications, the SAR Report and Findings, a revised Operations and Maintenance Plan for implementation, and the final Section 404 and NEPA documentation. A permit is issued on this final design package once all issues and comments have been resolved.

In all, the Corps appreciates that the I-710 Corridor project is a substantial and serious undertaking and that you are looking for some sort of conceptual approval of your proposals, however, given our responsibility to ensure the protection of the integrity of the Federally-constructed flood control project and the minimization of risks to public safety, we cannot support the concepts as presented at this time. Given the severity of proposed modifications, the sensitivity of the flows in the LA River, and the major implications, our initial reaction is that there are major issues to be analyzed and solutions presented before we would be able to support the request for a Section 408 Permit. We encourage the development of alternatives that reduce or eliminate the need to impact or redesign the Los Angeles River flood control levees and/or channel. This will ensure the safety of the public and make compliance with 33 U.S.C. 408 easier. Nonetheless, should you wish to proceed with your preferred alternatives, we have laid out some of the major issues and steps needed to move the proposed project forward.

I am forwarding a copy of this letter to our Non-Federal Sponsor for the Los Angeles River; Mr. Mark Pestrella of the Los Angeles County Flood Control District. It is my understanding that a meeting is being arranged so that our agencies can discuss the various concerns and the direction forward. In the interim, if there is any technical information we can provide to assist you in developing your design, please contact me at (213) 452-3629 or your staff can contact our Permit Coordinator Ms. Arnecia Williams at (213) 452-3747 or by e-mail at Arnecia.N.Williams@usace.army.mil.

Sincerely,



Richard J. Leifield, P.E.
Chief, Engineering Division

Enclosure

Copy Furnished:
Mr. Mark Pestrella, P.E.
Deputy Director
County of Los Angeles
Department of Public Works
P.O. Box 1460
Alhambra, CA 91802-1460

Comments on the LA River Impact Study

1. Potential Hydraulic Impacts. A physical model study of the Los Angeles River (from the Rio Hondo Confluence to the Pacific Ocean) and Rio Hondo Diversion Channel (from Whittier Narrows Dam to the Los Angeles River confluence) was performed to develop an efficient design which reduced the construction costs and increased the confidence in the design. The model study generated and verified designs which allow the design discharge to pass under bridges without requiring raising or rebuilding (e.g. streamlined piers, innovative channel geometry, designing for pressure flow, etc.). A second purpose of the modeling was the determination of freeboard in reaches of unstable flow. Large variations in the computed water surface due to standing waves occurred throughout the 6,250-foot reach of the Los Angeles River and the 17,500-foot reach of the Rio Hondo Channel. The model study identified these locations and the magnitudes of these waves and, consequently, determined the maximum wall heights which would not be overtopped.

The results of this model study are documented in our Design Documentation Reports that were produced in the late 1990's. This model study allowed us to move forward and complete the design and construction of the LACDA Project, which now provides a 133-year level of protection for the various communities along the LA River from Commerce to Long Beach. Due to the sensitivity of the flow regime to any obstructions within the LA River, Rio Hondo Channel, and Compton Creek, we will require both, the numerical model and a physical model(s). The numerical model, using the latest version of HEC-RAS, shall be submitted first (so we can do an initial review) and then shall be substantiated/validated using a physical model before any approval is granted. Then the numerical model shall be adjusted to the results from the physical model.

2. Additionally, the Applicant shall ensure the Corps' authorized design discharge (133-yr discharge) is used for determining impacts, not just a 100-yr discharge.

3. From a structural standpoint, widening bridges would include, not only extending the bridge piers and pier noses, but also constructing access road / bike trail undercrossings. As such, this is going to require reconstruction of portions of the channel. The structural design for all elements of the modification of a Corps built facility will need to follow the current Army Corps of Engineers Engineering Manuals. The Engineering Manuals can be obtained at <http://publications.usace.army.mil/publications/eng-manuals/>.

4. We also have concerns from the O&M perspective in that the proposal relocates transmission towers to the top of the levee in certain locations. Although the proposed design maintains a 15-foot wide access around the tower, the close proximity of these towers and the transmission lines running longitudinally could restrict our ability to flood fight during emergency situations. There have been cases where we need to bring a crane on site to clear debris during storm flows. We need to maintain the ability to perform these activities.

Comments on Preliminary Draft EIR/EIS for the I-710 Corridor DEIS/EIR

Editorial/General

Use of U.S. EPA and EPA—be consistent

Use of USACE and ACOE--- The preferred is USACE, please (or Corps)—be consistent
Federal and federal—please capitalize Federal.

The Draft EIS/R is inconsistent with the Jurisdictional Delineation Report dated, January 2011. It is difficult to distinguish USACE versus CDFG and RWQCB impacts.

The JD Report does not indicate the Ordinary High Water Mark (OHWM) for the LA River and other jurisdictional features. The LA River OHWM should be at least toe to toe, if not higher, which is typical for concrete channels. This would affect the description of impacts due to the proposed tower relocations in the LA River. Please clarify the extent of Corps geographic jurisdiction and clarify or revise the JD Report and DEIS/R as needed, for consistency. In addition, the colors included in the JD legend: orange and pink, are very similar and may cause confusion. It is recommended that dissimilar colors be used.

Please clarify if the proposed relocation of the towers in the LA River would affect water quality, velocity, sedimentation, or scour in the River. There may be downstream effects to hydrology, hydraulics, water quality, and/or habitat if these issues are not adequately addressed.

Please identify if the I-710 Corridor Improvement Project would affect any areas of the Los Angeles River and/or tributaries planned for restoration/revitalization. The I-710 Corridor Improvement Project, as currently proposed, would be a constraint to any restoration efforts.

The Draft EIS/R should adequately describe pertinent laws and regulations relevant to the Rivers and Harbors Act and describe resources and impacts.

Executive Summary

1. Please add in either par 1 or add a paragraph 2 discussing the differences between Cooperating Agencies, Responsible Agencies, and Funding Agencies. (NEPA 1501.6)

Chapter 1

1. Please give a brief summary of the need for the Corps' cooperation in the acquisition of a 408 Permit and why.

Chapter 2

1. Please discuss somewhere in the alternatives discussion why this project must occur in the floodplain. Please see **Executive Order 11988: Floodplain Management**. "Executive Order 11988, signed by President Jimmy Carter on 24 May 1977, and published in 42 FR 26351. Its purpose is to "...avoid to the extent possible the long and short term adverse impacts associated

with the occupancy and modification of floodplains and to avoid direct or indirect support of floodplain development wherever there is a practicable alternative.”

Each agency shall provide leadership, take action to reduce the risk of flood loss, minimize impact of floods on human safety, health, and welfare. They shall restore and preserve natural and beneficial values served by the floodplains. Each agency also has the responsibility to evaluate potential effects of Federal action that may be made within floodplains. Each agency will ensure planning and budget requests reflect consideration of flood hazards and floodplain management.”

Please see the Corps’ Engineering Regulation (ER) 1165-2-26, “Implementation of Executive Order 11988 on Floodplain Management”. Please see the eight-step process outlined in paragraph 8, General Procedures and include discussion.

Section 3.6 Visual—

Visual Simulation photos are quite helpful and well presented.

Mitigation measure VIS-1---Discuss use of native species in landscaping to promote future sustainability in light of climate change forecast. Species/habitat that will be viable/resilient/ and promote water conservation.

Consider use of permeable paving materials where practicable to minimize storm water/irrigation run-off.

Please provide section on recreation as it is not discussed until Chapter 4 regarding impacts under CEQA.

Please provide in Appendix if not in main document, a list of applicable Federal laws as listed in ER 1105-2-100 Appendix G, Exhibit G-8---Partial list. Also refer to the Corps’ Environmental Desk Reference for a listing of laws and Executive Orders. Also following is a partial list that is a “standardized list we use from another project that is not inclusive.

Exhibit G-8. Federal Laws and Policies Applicable to all Recommended Plans	
Title of Public Law	US CODE
Abandoned Shipwreck Act of 1987	43 USC 2101
American Indian Religious Freedom Act	42 USC 1996
Agriculture and Food Act (Farmland Protection Policy Act) of 1981	7 USC 4201 et seq.
American Folklife Preservation Act of 1976, As Amended	20 USC 2101
Anadromous Fish Conservation Act of 1965, As Amended	16 USC 757 a et seq.
Antiquities Act of 1906, As Amended	16 USC 431
Archeological and Historic Preservation Act of 1974, As Amended	16 USC 469
Archeological Resources Protection Act of 1979, As	16 USC 470

Amended	
Bald Eagle Act of 1972	16 USC 668
Buy American Act	41 USC 102
Civil Rights Act of 1964 (Public Law 88-352)	6 USC 601
Clean Air Act of 1972, As Amended	42 USC 7401 et seq.
Clean Water Act of 1972, As Amended	33 USC 1251 et seq.
Coastal Barrier Resources Act of 1982	16 USC 3501-3510
Coastal Zone Management Act of 1972, As Amended	16 USC 1451 et seq.
Comprehensive Environmental Response, Compensation and Liability Act of 1980	42 USC 9601
Conservation of Forest Lands Act of 1960	16 USC 580 mn
Contract Work Hours	40 USC 327
Convict Labor	18 USC 4082
Copeland Anti-Kickback	40 USC 276c
Davis Bacon Act	40 USC 276
Deepwater Port Act of 1974, As Amended	33 USC 1501
Emergency Flood Control Funds Act of 1955, As Amended	33 USC 701m
Emergency Wetlands Resources Act	16 USC 3901-3932
Endangered Species Act of 1973	16 USC 1531
Estuary Program Act of 1968	16 USC 1221 et seq.
Equal Opportunity	42 USC 2000d
Farmland Protection Policy Act	7 USC 4201 et seq.
Federal Environmental Pesticide Act of 1972	7 USC 136 et seq.
Federal Water Project Recreation Act of 1965, As Amended	16 USC 4601
Fish and Wildlife Coordination Act of 1958, As Amended	16 USC 661
Flood Control Act of 1944, As Amended, Section 4	16 USC 460b

Executive Orders	
11593, Protection and Enhancement of the Cultural Environment, may 13, 1979	36 FR 8921; May 15, 1971
11988, Floodplain Management, May 24, 1977	42 FR 26951; May 25, 1977
11990, Protection of Wetlands	42 FR 26961; May 25, 1977
11514, Protection and Enhancement of Environmental Quality, March 5, 1970, as amended by Executive Order 11991, May 24, 1977	
12088, Federal Compliance with Pollution Control Standards, October 13, 1978	
12898, Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations, February 11, 1994	

Other Federal Policies	
Council on Environmental Quality Memorandum of August 11, 1980: Analysis of Impacts on Prime and Unique Agricultural Lands in Implementing the National Environmental Policy Act	
Council on Environmental Quality Memorandum of August 10, 1980: Interagency Consultation to Avoid or Mitigate Adverse Effects on Rivers in the Nationwide Inventory.	
Migratory Bird Treaties and other international agreements listed in	

APPLICABLE ENVIRONMENTAL LAWS AND REGULATIONS

National Environmental Policy Act (NEPA) Compliance

NEPA is the nation's primary charter for protection of the environment. It establishes national environmental policy which provides a framework for Federal agencies to minimize environmental damage and requires Federal agencies to evaluate the potential environmental impacts of their proposed actions. Under NEPA, a Federal agency must prepare an Environmental Assessment (EA) describing the environmental effects of any proposed action having a significant impact on the environment. The EA must identify measures necessary to avoid or minimize adverse impacts resulting from the proposed action or determine if further analysis is required and prepare an Environmental Impact Statement (EIS).

U.S. Fish and Wildlife Coordination Act (16 U.S.C. 661)

This Act requires Federal agencies to coordinate with the USFWS and local and state agencies when any stream or body of water is proposed to be modified. The intent is to give fish and wildlife conservation equal consideration with other purposes of water resources development projects.

Endangered Species Act of 1973 (Public Law 93-205), as amended.

The Endangered Species Act (ESA) protects threatened and endangered species, as listed by the USFWS, from unauthorized take, and directs Federal agencies to ensure that their actions do not jeopardize the continued existence of such species. Section 7 of the Act defines Federal agency responsibilities for consultation with the USFWS. The Act requires preparation of a Biological Assessment to address the effects on listed and proposed species of a project. Due to the disturbed, park like landscape of the proposed location, there would be no impacts to listed or proposed species.

Migratory Bird Treaty Act (MBTA)

The Migratory Bird Treaty Act prohibits the taking or harming of any migratory bird, its eggs, nests, or young without an appropriate Federal permit. Almost all native birds are covered by this Act and any bird listed in wildlife treaties between the United States and several countries, including Great Britain, Mexican States, Japan, and countries once part of the former Soviet Socialist Republics. A "migratory bird" includes the living bird, any parts of the bird, its nests or eggs. The take of all migratory birds is governed by the MBTA's regulation of taking migratory birds for educational, scientific, and recreational purposes and requiring harvest to be limited to levels that prevent over-utilization. Section 704 of the MBTA states that the Secretary of the Interior is authorized and directed to determine if, and by what means, the take of migratory birds should be allowed and to adopt suitable regulations permitting and governing take. Disturbance of the nest of a migratory bird requires a permit issued by the USFWS pursuant to Title 50 of the Code of Federal Regulations (CFR).

Clean Water Act

Section 404 (b) prohibits the discharge of dredged or fill materials into the waters of the United States, including wetlands, except as permitted under separate regulations by the U. S. Army Corps of Engineers (Corps) and U. S. Environmental Protection Agency (EPA).

Waters of the U.S.: Under Section 404 of the Clean Water Act (CWA), the Corps regulates discharges of dredged or fill material into “Waters of the United States”, including wetlands. “Waters of the United States” is defined in 33 CFR 328.3 as

- All waters which are currently used, or were used in the past or may be susceptible to use in interstate or foreign commerce;
- All interstate waters including interstate wetlands;
- All other waters such as intrastate lakes, rivers, streams, (including intermittent streams), the use, degradation or destruction of which could affect interstate or foreign commerce;
- All impoundment of waters otherwise defined as Waters of the U. S. under the definition; and
- Tributaries of waters defined in the bullets above.

An individual permit may be required for the project which would require the analysis of alternatives. In accordance with guidelines located under 40 C.F.R. 230.10(a)(1), practicable alternatives can include, but are not limited to: (i) Activities which do not involve a discharge of dredged or fill material into waters of the U.S. or ocean waters and (ii) Discharges of dredged or fill material at other locations in waters of the U.S. or ocean waters. The analysis of a “no fill (i.e, no 404 permit required)” is required and provides the baseline for evaluating impacts to aquatic resources for purposes of documenting compliance with the Guidelines. Please provide a complete description and analysis of a “no fill” alternative (i.e., the most likely scenario if a Corps permit is not granted). Off-site alternatives within and outside of the study corridor should be considered (including avoidance of the LA River and other tributaries or special aquatic sites). Compliance with the Guidelines is required for all standard individual permits.

The 40 C.F.R. 230.10(a)(1) guidelines and Section 404 of the Clean Water Act also require the analysis of alternatives that have less adverse impact on the aquatic ecosystem, including avoidance of special aquatic sites. Please consider placement of the electrical towers outside of waters of the U.S. Additionally, the guidelines specify where the activity associated with a discharge that is proposed for a special aquatic site does not require access or proximity to or siting within the special aquatic site in question to fulfill its basic purpose, practicable alternatives that do not involve special aquatic sites are presumed to be available, unless clearly demonstrated otherwise (i.e., you would have to rebut this presumption that practicable alternatives exist that would not discharge fill into special aquatic sites such as wetlands). Please provide a complete description and analysis of a “wetland avoidance” alternative. Avoidance and minimization of impacts to the aquatic ecosystem are required for standard individual permits and general permits.

Clean Air Act of 1970 (42 U.S.C. 7401 et seq.)

1977 Amendments to the Clean Air Act enacted legislation to control seven toxic air pollutants. USEPA adopted National Emission Standards for Hazardous Air Pollutants (NESHAP), which has been designed to control Hazardous Air Pollutants (HAP) emissions to prevent adverse health effects in humans.

1990 Amendments to the Clean Air Act determine the attainment and maintenance of NAAQS (Title I), motor vehicles and reformulation (Title II), hazardous air pollutant (Title III), acid deposition (Title IV), operating permits (Titles V), stratospheric ozone protection (Title VI), and enforcement (Title VII).

General Conformity. Under Section 176(c) of the Clean Air Act Amendments (CAAA) of 1990, the Lead Agency is required to make a determination of whether the Proposed Action “conforms” to the State Implementation Plan (SIP). Conformity is defined in Section 176(c) of the CAAA as compliance with the SIPs purpose of eliminating or reducing the severity and number of violations of the NAAQS and achieving expeditious attainment of such standards. However, if the total direct and indirect emissions from the Proposed Action are below the General Conformity Rule “*de minimis*” emission thresholds, the Proposed Action would be exempt from performing a comprehensive Air Quality Conformity Analysis, and would be considered to be in conformity with the SIP.

Noise Control Act of 1972, as amended (42 USC 4901 et seq.)

Noise generated by any activity, which may affect human health or welfare on Federal, state, county, local, or private lands, must comply with noise limits specified in the Noise Control Act.

National Historic Preservation Act (Public Law 89-665; 16 U.S.C. 470- 470m, as amended, 16 U.S.C. 460b, 470i-470n)

Section 106 of the NHPA requires any Federal agency to take responsibility for the impact of the decisions on historic resources. Under Section 106, Federal agencies are prohibited from approving any Federal “undertaking” (including the issuance of any license, permit, or approval), without 1) taking into account the effects of the undertaking on the historic properties, and 2) affording the Advisory Council on Historic Preservation (ACHP) a reasonable opportunity to comment on the undertaking. The NHPA forces an agency to stop and consider the consequences of its undertakings on any historic property, and assures that the agency does so by requiring it to receive comment from the ACHP, or agencies acting in its stead, and from the public before proceeding with any such undertaking. In order to comply with the NHPA, a Federal agency considering an undertaking must go through the process outlined in the ACHP’s regulations at 36 C.F.R. Part 800.

Archeological Resources Protection Act, as amended

The Act requires that when cultural resources may be impacted when working on Federal lands or there is another Federal connection. The Act allows for the preservation of historical and archeological data (including relics and specimens) which might otherwise be irreparably lost or destroyed.

Uniform Fire Code

The Uniform Fire Code (UFC) contains provisions regarding the storage and handling of hazardous materials. These provisions are contained in Articles 79 and 80. The latest revision to Article 80 was in 1997 (UFC 1997). These articles contain minimum setback requirements for storage of materials.

Comprehensive Environmental Response, Compensation and Liability Act

The Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) provides the USEPA with the authority to identify and clean up contaminated hazardous waste sites. Individual states may implement hazardous waste programs under RCRA with USEPA approval. California has not yet received this USEPA approval; instead, the California Hazardous Waste Control Law (HWCL) is administered by the California Environmental Protection Agency (CALEPA) to regulate hazardous wastes. While the HWCL is generally more stringent than RCRA, until the USEPA approves the California program, both the state and Federal laws apply in California. CERCLA also contains enforcement provisions for the identification of liable parties. It details the legal claims that arise under the statute, and provides guidance on settlements with the USEPA. Section 120 of this Act addresses hazardous waste cleanups at Federal facilities, and requires the creation of a Federal Agency Hazardous Waste Compliance Docket, which lists facilities that have the potential for hazardous waste problems. In addition, a Hazardous Substance Superfund was established to pay not only the USEPA cleanup and enforcement costs and certain natural resource damages, but also to pay for certain claims of private parties. Conformance with this law would only be engaged if unforeseen waste was found or was abandoned on site..

National Flood Insurance Program

The National Flood Insurance Program (NFIP) is administered by the Federal Emergency Management Agency's (FEMA's) Flood Insurance Administration.

Federal Water Project Recreation Act of 1965, as amended

This Act requires that any Federal water project must give full consideration to opportunities afforded by the project for outdoor recreation and fish and wildlife enhancement.

Federal Land Policy and Land Management Act of 1976 (43 USC 1701 et seq.)

The Act regulates management of the public lands and their various resource values so that resources are utilized in a combination that will best meet the present and future needs of the American people.

The American with Disabilities Act of 1990, as amended, (42 USC 126 et seq.)

The Act prohibits public entities, defined as any state or local government, or division thereof, from excluding any individual with a disability from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity. A "qualified individual with a disability" is an individual with a disability who, with or without reasonable modifications to rules, policies, or practices, the removal of architectural, communication, or transportation barriers, or the provision of auxiliary aids and services, meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by a public entity.

Executive Order 11988: Floodplain Management

Executive Order 11988, signed by President Jimmy Carter on 24 May 1977, and published in 42 FR 26351. Its purpose is to "...avoid to the extent possible the long and short term adverse impacts associated with the occupancy and modification of floodplains and to avoid direct or indirect support of floodplain development wherever there is a practicable alternative."

Each agency shall provide leadership, take action to reduce the risk of flood loss, minimize impact of floods on human safety, health, and welfare. They shall restore and preserve natural and beneficial values served by the floodplains. Each agency also has the responsibility to evaluate potential effects of Federal action that may be made within floodplains. Each agency will ensure planning and budget requests reflect consideration of flood hazards and floodplain management.

Executive Order 12088, Federal Compliance with Pollution Control Standards

The head of each Executive agency is responsible for ensuring that all necessary actions are taken for the prevention, control, and abatement of environmental pollution with respect to Federal facilities and activities under control of the agency.

Executive Order 12898, Environmental Justice Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, February 11, 1994.

Executive Order 12898 (Federal Actions to Address Environmental Justice in Minority and Low-Income Populations) was signed on February 11, 1994. This order was intended to direct Federal agencies "To make achieving environmental justice part of its mission by identifying and addressing... disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations in the [U.S.]..."