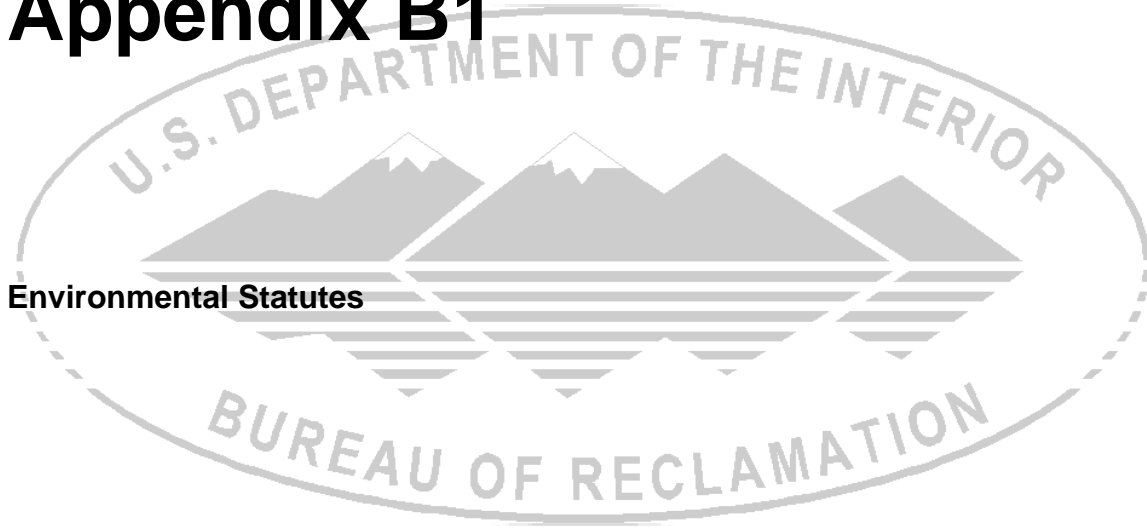


Appendix B1



Environmental Statutes

COMPLIANCE WITH ENVIRONMENTAL STATUTES

National Environmental Policy Act (NEPA) of 1969

The National Environmental Policy Act (NEPA) requires all federal agencies to consult with each other and to employ systematic and interdisciplinary techniques in planning and decision making. NEPA requirements also include a full and honest disclosure of all environmental impacts associated with alternatives of the proposed action.

Endangered Species Act (ESA) of 1973

The Endangered Species Act requires consultation with USFWS for federally listed threatened and endangered species identified to exist or potentially exist in the project area. The USFWS identified six endangered, three threatened, one proposed species, three candidate species, and three species of concern.

Fish and Wildlife Coordination Act (FWCA) of 1958

The Fish and Wildlife Coordination Act, as amended, requires that whenever the federal Government authorizes, sponsors, or issues a permit to impound, modify, divert, or otherwise control the waters of any stream or body of water for any purpose by any entity, the entity must consult with USFWS and the state's fish and wildlife management agency.

Clean Water Act (CWA) of 1972 - Section 401

This section of the Clean Water Act, although administered by EPA, is the responsibility of the state and eligible Indian tribes to develop and enforce. Section 401 provides the states with authority to grant or deny certification for a federally permitted or licensed activity that may result in a discharge to waters of the United States. States also may waive water quality certification.

Clean Water Act of 1972 - Section 404

Section 404 of the Clean Water Act of 1972, as amended, is administered by COE with oversight from EPA. All activities involving the placement of dredged or fill materials in waters of the United States, including wetlands, are subject to the COE permitting process. Both nationwide and individual permits are issued under Section 404. Nationwide permits are issued on a state, regional, or nationwide basis for any category of activities where such activities are similar in nature and will cause only minimal adverse environmental effects both individually and cumulatively. Individual Section 404 permits are issued for specific activities within specific waters.

Clean Air Act (CAA) of 1972

The Clean Air Act requires that any federal entity engaged in an activity that may result in the discharge of air pollutants must comply with all applicable air pollution control laws and regulations (federal, state, tribal, or local). The Act requires the EPA to publish national primary

standards to protect public health and more stringent national secondary standards to protect public welfare. States, tribes, and local governments are responsible for the prevention and control of air pollution. Measures will be incorporated into contractor specifications to ensure compliance with these laws and regulations.

Executive Order 12898, Environmental Justice

Executive Order 11898 directs federal agencies to identify and address any disproportionately high adverse human health or environmental effects of its programs, policies, and activities on minority and low-income populations. Executive orders represent administrative policy and do not have the force of law that comes with delegation of authority provided by Congress.

American Indian Religious Freedom Act of 1978 (PL 95341) and Religious Freedom Restoration Act of 1993 (42 USC 2000)

The American Indian Religious Freedom Act of 1978 (AIRFA) requires federal agencies to consider the impacts of projects on the ability of American Indians to continue their traditional cultural and religious practices. The Religious Freedom Restoration Act of 1993 (RFRA) protects everyone's practice of religion and establishes tests that must be met before a federal agency can "substantially burden a person's exercise of religion."

Archaeological Resources Protection Act (ARPA) of 1979 (PL 96-95)

Permits are required to remove archeological resources from federal or Indian lands. Permits may be issued to educational or scientific institutions only if the removal would increase knowledge about archeological resources.

Archaeological and Historic Preservation Act of 1974 (PL 93-291)

The Archaeological and Historic Preservation Act (AHPA) authorizes federal agencies to protect historical and archaeological data that might be lost as a result of construction of an irrigation project or other federal activity.

National Historic Preservation Act (NHPA) of 1966 (PL89-665) as amended through 1992 (PL 102-575)

The National Historic Preservation Act (NHPA) establishes the federal policy concerning the protection of historic properties. Federal agencies are required to carry out all activities under NHPA in cooperation with states, tribes and local governments. The act designates the state historic preservation officer (SHPO) as the responsible entity in each state for administering programs under NHPA. The responsibilities of the SHPO may be assumed by a tribal historic preservation office (THPO). The act also creates the Advisory Council on Historic Preservation (ACHP) to serve as the advisory body to the Executive Branch on historic preservation issues. Section 106 of the act requires federal agencies to consider the effects of their undertakings on historic resources and to give the SHPO (or THPO) and the ACHP reasonable opportunity to comment on the effects of those undertakings.

Finally, the 1992 amendments require the federal agency to consider the impacts of undertakings on properties of traditional religious and cultural importance to American Indians and to involve American Indian tribes to participate in the consultation process, should such resources be affected.

Native American Graves Protection and Repatriation Act (PL 101 - 601)

The Native American Graves Protection and Repatriation Act (NAGPRA) establishes federal policy with respect to Native American burials and graves located on federal or Indian lands. Federal agencies are required to consult with and to obtain the concurrence of the appropriate tribes with respect to activities that may result in the disturbance and/or removal of such burials and graves on federal or reservation lands.

Access to Religious Sites for Native Americans, Executive Order 13007

Issued May 24, 1996, the President directed federal agencies to accommodate Indian tribes' requirements for access to and ceremonial use of sacred sites on public lands and to avoid damaging the physical integrity of such sites.

Executive Order 11988, Flood Plain Management

Executive Order 11988 directs federal agencies to take flood plain management into account when formulating or evaluating water or land use plans.

Executive Order 11990, Protection of Wetlands

Executive Order 11990 directs each federal agency to provide leadership and take action to minimize the destruction, loss or degradation of wetlands and to preserve and enhance the natural and beneficial values of wetlands in carrying out agency duties and responsibilities.

COMPLIANCE WITH POLICY, REGULATIONS AND EXECUTIVE ORDERS

The following laws, policy, Federal regulations, Executive Orders and County rules and ordinances apply to management of Jamestown Reservoir and associated lands and facilities:

Resource Conservation and Recovery Act of 1976 (RCRA) as amended (42 USC 6901 et seq.) - Hazardous waste management.

Federal Insecticide, Fungicide, and Rodenticide Act of 1972 (FIFRA) (7 USC 1361, as amended November, 28, 1975, by PL 94-140 - Herbicide and pesticide application.

Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) (42 USC 9603) - Hazardous waste site cleanup.

Public Law 98-552 - Authority for the Secretary of the Interior to Cooperate with Local Law Enforcement Officials - Law enforcement.

Act of October 30, 1984 (98 Stat. 2823, Section 3) - Law enforcement.

The Flood Control Act of 1944 (PL 534) - Recreation management.

Soil and Moisture Conservation (S&MC) Act of 1935 (49 Stat. 163, Ch. 85) - Controlling and preventing soil erosion; includes fencing, road construction and vegetation management.

Procedures to Process and Recover the Value of Rights-of-Use and Administrative Costs Incurred in Permitting Such Use (43 CFR 429) - Charging and collecting money for outgrants.

Executive Order 11988 - Flood plain management.

Executive Order 11990 - Management of wetlands.

Executive Order 11644 - Off-road vehicle use.

43 CFR 420, July 20, 1974 - Off-road vehicle use.

Endangered Species Act (Sec. 7, 16 USC, Sec. 1531 et seq.) - Endangered and threatened species management.

Reciprocal Fire Protection Act of May 27, 1955 (69 Stat. 66; 42 USC 1856a) - Fire suppression.

Disaster Relief Act of May 22, 1974 (Stat. 143; 16 USC 5121) - Coordination of disaster preparedness and relief programs.

Protection Act of September 20, 1922 (42 Stat. 857, 16 USC 594) - Fire protection.

Protection of Historic and Cultural Properties (36 CFR Part 800) - Protection of historic and cultural properties on public lands.

Archaeological Resource Protection Act of 1979 (ARPA) (92 Stat. 469, 42 USC 470) - Issuing of permits for scientific excavation of archaeological resources on public lands, development of public education programs, establishment of criminal penalties for looting of resources on public lands.

National Historic Preservation Act of 1966, as amended (16 USC 470) - Causes federal agencies to consider impacts on cultural resources as a result of its activities.

Native American Graves Protection and Repatriation Act of 1990 (25 USC 3001, 104 Stat. 3048) - Requires federal agencies to inventory their archaeological collections for Native American human remains and return them, as appropriate.

Occupancy of Cabin Sites on Public Conservation and Recreation Areas (43 CFR 21) - Administration of exclusive use areas.

Executive Order 11724 and FPMR 101-47, Utilization and Disposal of Real Property - Real property management.

Architectural and Transportation Barriers Act of 1968 (ABA) (42 USC 4151-4157, PL 90-480) - Handicapped access.

Wild and Scenic Rivers Act (PL 90-542, 16 USC 1274 et seq.) - Wild and scenic rivers management.

Wilderness Act (PL 88-577) - Wilderness management.

Mineral Locations in Reclamation Withdrawals, April 23, 1932 (43 CFR 3816.1; 47 Stat. 136; 43 USC 1540 - Vacation of withdrawals.