

APPENDIX B

**RELEVANT ENVIRONMENTAL LAWS, REGULATIONS, POLICIES, GUIDANCE,
INSTRUCTIONS AND ORDERS**

Appendix B

Relevant Environmental Laws, Regulations, Policies, Guidance, Instructions and Orders

Federal Laws, Regulations, and Executive Orders

- American Indian Religious Freedom Act of 1978 (42 U.S.C. 1996)
- Anadromous Fish Conservation Act (16 U.S.C. 757)
- Animal Damage Control Act (7 U.S.C. 426 et seq.)
- Anti-Deficiency Act (31 U.S.C. 1341 et seq.)
- Antiquities Act of 1906 (16 U.S.C. 431 et seq.)
- Archaeological Resource Protection Act Regulations (18 CFR 1312)
- Archeological and Historical Preservation Act of 1974 (16 U.S.C. 469 et seq.)
- Archeological Resources Protection Act of 1979 (16 U.S.C. 470 et seq.)
- Bald and Golden Eagle Protection Act (16 U.S.C. 668 et seq.)
- Base Closure and Realignment Act (Part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687)
- Clean Air Act, as amended (42 U.S.C. 7401 et seq.)
- Clean Water Act (33 U.S.C. 1251 et seq.)
- Coastal Barrier Resources (16 CFR 3501)
- Coastal Barriers Resources Act (16 U.S.C. 1451 et seq.)
- Coastal Zone Act Reauthorization Amendments (16 U.S.C. 1451 et seq.)
- Coastal Zone Management Act of 1972 (16 U.S.C. 1451-1456)
- Comprehensive Environmental Response, Compensation and Liability Act of 1980 (42 U.S.C. 9601 et seq.)
- Conservation and Rehabilitation Program on Military and Public Lands (16 U.S.C. 670 et seq.)
- Conservation and Rehabilitation Programs on Military and Public Lands (Public Law 93-452)
- Cooperative Conservation (Executive Order 13352)
- Council on Environmental Quality Regulations on Implementing NEPA Procedures (40 CFR 1500-1508)
- Curation of Federal Owned and Administered Archaeological Collections (36 CFR 79)
- Defense Environmental Restoration Program (10 U.S.C. 2701)
- Department of Defense Appropriation Act of 1991 (PL 102-393)
- Determination of Eligibility for Inclusion in the National Register of Historic Places (36 CFR 63)
- Dredge and Fill Nationwide Permit Program (33 CFR 330)

- Endangered and Threatened Wildlife and Plants (50 CFR 17)
- Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq.)
- Entering Military, Naval, or Coast Guard Property (18 U.S.C. 1382)
- Environmental Effects in the United States of Department of Defense Strategies (32 CFR 188)
- U.S. Environmental Protection Agency (EPA) Guidelines for Resource Recovery Facilities (40 CFR 245)
- EPA National Drinking Water Regulations (40 CFR 141-143)
- EPA National Pollutant Discharge Elimination System Permit Regulations (40 CFR 122)
- EPA Regulations Designating Areas for Air Quality Planning (40 CFR 81)
- EPA Regulations for Ambient Air Monitoring Reference and Equivalent Methods (40 CFR 53)
- EPA Regulations for Pesticide Programs (40 CFR 150-186)
- EPA Regulations Implementing the Resource Conservation and Recovery Act (40 CFR 260-270)
- EPA Regulations on Criteria and Standards for the National Pollutant Discharge Elimination System (40 CFR 125)
- EPA Regulations on Discharge of Oil (40 CFR 110)
- EPA Regulations on Disposal Site Determination under the CWA (40 CFR 231)
- EPA Regulations on Implementation of NEPA Procedures (40 CFR 6)
- EPA Regulations on Insecticide, Fungicide, and Rodenticide Use (40 CFR 162)
- EPA Regulations on Land Disposal Restrictions (40 CFR 268)
- EPA Regulations on National Primary and Secondary Ambient Air Quality Standards (40 CFR 50)
- EPA Regulations on Regional Consistency under the Clean Air Act (40 CFR 56)
- EPA Requirements for Preparation, Adoption, Submittal, Approval, and Promulgation of Implementation Plans (40 CFR 51-52)
- EPA Requirements for Water Quality Planning and Management (40 CFR 130)
- EPA Special Exemptions from Requirements of the Clean Air Act (40 CFR 69)
- Erosion Protection Act (33 U.S.C. 426)
- Estuary Protection Act (16 U.S.C. 1221)
- Farmland Protection Act (7 U.S.C. 4201 et seq.)
- Federal Compliance with Pollution Control Standards (42 U.S.C. 4321)
- Federal Consistency with Approved Coastal Management Programs (15 CFR 930)
- Federal Facilities Compliance Act of 1992 (42 U.S.C. 6961)
- Federal Insecticide, Fungicide, and Rodenticide Act, as amended (7 U.S.C. 136 et seq.)
- Federal Land Policy and Management Act (43 U.S.C. 1701)
- Federal Noxious Weed Act (7 U.S.C. 2801 et seq.)

- Federal Plant Pest Act (7 U.S.C. 150aa et seq.)
- Federal Water Pollution Control Act (Clean Water Act) (33 U.S.C. 1251 et seq.)
- Fish and Wildlife Conservation Act (16 U.S.C. 2901 et seq.)
- Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.)
- Fish and Wildlife Service List of Endangered and Threatened Wildlife (50 CFR 17)
- Fishery Conservation and Management Act of 1976 (16 U.S.C. 1801 et seq.)
- Floodplain Management (Executive Order 11988, as amended by Executive Order 12148 and 13286)
- Forest Resources Conservation and Shortage Relief Act (16 U.S.C. 620 et seq.)
- Historic Sites Act of 1935 (16 U.S.C. 461 et seq.)
- Hunting and Fishing on Federal Lands (10 U.S.C. 2671 et seq.)
- Implementation of Section 311 of the Federal Water Pollution Control Act of October 18, 1972, as amended, and the Oil Pollution Act of 1990 (Executive Order 12777, as amended by Executive Order 13286)
- Interagency Cooperation Endangered Species Act of 1973 (50 CFR 402)
- Invasive Species (Executive Order 13112)
- Lacey Act (16 U.S.C. 701) and Lacey Act Amendments of 1981 (16 U.S.C. 3371–3378)
- Land and Water Conservation Act of 1965 (16 U.S.C. 4601 et seq.)
- Legacy Resource Protection Program Act (PL 101–511)
- Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801)
- Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 et seq.)
- Marine Protected Areas (Executive Order 13158)
- Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1401 et seq.)
- Migratory Bird Conservation Act (16 U.S.C. 715 et seq.)
- Migratory Bird Treaty Act (16 U.S.C. 703–711)
- Migratory Birds List (50 CFR 10.13)
- Military Construction Authorization Act of 1956 - Leases; non-excess property (10 U.S.C. 2667)
- Military Construction Authorization Act of 1956 - Sale of Certain Interests in Lands; Logs (10 U.S.C. 2665)
- Military Construction Authorization Act of 1956- Military Reservations and Facilities: Hunting, Fishing, and Trapping (10 U.S.C. 2671)
- Military Construction Authorization Act of 1975 (10 U.S.C. 2665)
- Military Reservation and Facilities: Hunting, Fishing and Trapping (10 U.S.C. 2671)
- Multiple-Use Sustained Yield Act (16 U.S.C. 528)
- National Defense Authorization Act for Fiscal Year 1999 (PL 105-261)

- National Defense Authorization Act for Fiscal Year 2003 (PL 107-314)
- National Defense Authorization Act for Fiscal Year 2004 (PL 108-136)
- National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 et seq.)
- National Heritage Policy Act of 1979 (16 U.S.C. 470)
- National Historic Landmarks Program (36 CFR 65)
- National Historic Preservation Act of 1966 (16 U.S.C. 470 et seq.)
- National Historic Preservation Act Regulations for the Protection of Historic Properties (36 CFR 800)
- National Oceanic and Atmospheric Administration Coastal Zone Management Program Development and Approval Regulation (15 CFR 923)
- National Register of Historic Places (36 CFR 60)
- National Register of Historic Places, current edition (36 CFR 60 78, 79, 800, and 1228)
- National Trails System Act of 1968 (16 U.S.C. 1271)
- Native American Graves Protection and Repatriation Act of 1990 (25 U.S.C. 3001-3013)
- Natural Resources Management Program (32 CFR 190)
- Neotropical Migratory Bird Conservation Act (16 U.S.C. 6101 et seq.)
- Nonindigenous Aquatic Nuisance Prevention and Control Act as amended (16 U.S.C. 4701 et seq.)
- North American Wetlands Conservation Act (16 U.S.C. 4401 et seq.)
- Noxious Plant Control Act (43 U.S.C. 1241).
- Ocean Dumping Regulations and Criteria (40 CFR 220, 227)
- Off-Road Vehicles Use on Public Lands (Executive Order 11989)
- Oil Pollution Control Act of 1990 (33 U.S.C. 2701 et seq.)
- Outdoor Recreation - Federal/State Program Act (16 U.S.C. 4601 et seq.)
- Outer Continental Shelf Air Regulations (40 CFR 55)
- Partners for Fish and Wildlife Act (16 U.S.C. 3771 et seq.)
- Plant Quarantine Act (7 U.S.C. 151-167)
- Pollution Prevention Act (42 U.S.C. 13101 et seq.)
- Protection and Enhancement of Environmental Quality (Executive Order 11514, as amended by Executive Order 11541 and 11991)
- Protection and Enhancement of the Cultural Environment (Executive Order 11593)
- Protection of Wetlands (Executive Order 11990, amended by Executive Order 12608)
- Recreational Fisheries (Executive Order 12962, as amended by Executive Order 13474)
- Regulations Concerning Marine Mammals (50 CFR 10)
- Regulations Concerning Marine Mammals (50 CFR 18, 216, 228)

- Resource Conservation and Recovery Act (42 U.S.C. 6901 et seq.)
- Responsibilities of Federal Agencies to Protect Migratory Birds (Executive Order 13186)
- Rivers and Harbors Act of 1889 (33 U.S.C. 403 et seq.)
- Safe Drinking Water Act (42 U.S.C. 300(f) et seq.)
- Sales of Forest Products on Federal Lands (10 U.S.C. 2665 et seq.)
- Salmon and Steelhead Conservation and Enhancement Act (16 U.S.C. 3301-3345)
- Sikes Act Improvement Act of 1997 (16 U.S.C. 670a et seq.)
- Soil and Water Conservation Act (16 U.S.C. 2001 et seq.)
- Soil Conservation (16 U.S.C. 5901)
- Strengthening Federal Environmental, Energy, and Transportation Management (Executive Order 13423)
- Water Pollution Prevention and Control (33 U.S.C. 1251 et seq.)
- Wetland Resources (16 U.S.C. 3901)
- Wild and Scenic River Act (16 U.S.C. 1274)
- Youth Conservation Corps Act of 1972 (16 U.S.C. 1701).

Federal Guidelines

- Cooperative Agreement between the Department of Defense and The Nature Conservancy for Assistance in Natural Resources Inventory (December 13, 1988)
- Memorandum of Agreement for Federal Neotropical Migratory Bird Conservation Program and Addendum (Partners in Flight-Aves De Las Americas) among the Department of Defense, through Each of the Military Services, and Over 110 Other Federal and State Agencies and Nongovernmental Organizations
- Memorandum of Agreement for Professional and Technical Assistance Conducting Biological Surveys, Research and Related Activities between the Department Of Defense and the National Biological Service of the Department of the Interior
- Memorandum of Understanding between Department of Defense, U.S. Fish and Wildlife Service, and the International Association of Fish and Wildlife Agencies for a Cooperative Integrated Natural Resources Management Program on Military Installations
- Memorandum of Understanding between the Environmental Protection Agency and the Department of Defense with Respect to Integrated Pest Management
- Memorandum of Understanding for Watchable Wildlife Programs
- U.S. Army Corps of Engineers (USACE) 1987 Wetland Delineation Manual
- Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region (Version 2.0).

Department of Defense Policy, Regulations and Guidance

- Department of Navy Procedures for Implementing NEPA (32 CFR 775)

- Deputy Under Secretary of Defense Memorandum, *Integrated Natural Resource Management Plan Template*
- DoD Directive 3200.15, *Sustainment of Ranges and Operating Areas*
- DoD Instruction 4001.01, *Installation Support*
- DoD Directive 4140.1, *Material Management Policy*
- DoD Instruction 4150.07, *DoD Pest Management Program*
- DoD Instruction 4165.57, *Air Installations Compatible Use Zones*
- DoD Instruction 4165.59, *DoD Implementation of the Coastal Zone Management Act*
- DoD Instruction 4700.2, *Secretary of Defense Award for Natural Resources and Environmental Management*
- DoD Directive 4700.4, *Natural Resources Management Program*
- DoD Directive 4705.1, *Management of Land-Based Water Resources in Support of Joint Contingency Operations*
- DoD Directive 4710.1, *Archaeological and Historic Resources Management*
- DoD Directive 4715.01, *Environmental Security*
- DoD Instruction 4715.03, *Natural Resources Conservation Program*
- DoD Instruction 4715.4, *Pollution Prevention*
- DoD Instruction 4715.6, *Environmental Compliance*
- DoD Instruction 4715.7, *Environmental Restoration Program*
- DoD Instruction 4715.9, *Environmental Planning and Analysis*
- DoD Directive 5030.41, *Oil and Hazardous Substance Pollution Prevention and Contingency Program*
- DoD Directive 6050.1, *Environmental Effects in the U.S. of DoD Strategies*
- DoD Directive 6050.15, *Prevention of Oil Pollution from Ships Owned or Operated by the Department of Defense*
- DoD Directive 6050.2 (as amended), *Use of Off-Road Vehicles on DoD Lands*
- DoD Directive 6050.4, *Marine Sanitation Devices for Vessels Owned or Operated by DoD*
- DoD Instruction 6050.05, *DoD Hazard Communication Program*
- DoD INRMP Handbook, *Resources for INRMP Implementation*
- DoD Instruction 5000.13, *Natural Resources - The Secretary of Defense Natural Resource Conservation Award*
- DoD Instruction 6055.6, *DoD Fire and Emergency Services Program*
- DoD Memorandum on Implementation of Ecosystem Management in DoD
- DoD Urban Forestry Manual
- NAVFAC P-73, *Real Estate Manual P-73*

- NAVFACINST 11010.45, *Regional Shore Infrastructure Planning*
- NAVFACINST 11012.111A, *Land Use Conservation Planning*
- NAVFACINST 6250.3H, *Applied Biology Program Services and Training*
- NBCINST 5090.1, *Base Fishing Regulations*
- NBCINST 5090.2, *Policy and Procedures for Conducting Environmental Review Process at Naval Base Coronado, San Diego*
- OPNAVINST 11000.17, *National Preservation Act Consultations Related to Base Realignment and Closure Strategies*
- OPNAVINST 11010.20F, *Facilities Projects Manual*
- OPNAVINST 5090.1CH, *Environmental Readiness Program Manual*
- OPNAVINST 5750.13, *Historical Properties of the Navy*
- OPNAVINST 6250.4C, *Navy Pest Management Program*
- OPNAVINST 8000.16, *Environmental Security Management*
- OPNAVINST 8026.2A, *Navy Munitions Disposition Policy*
- Secretary of Navy Instruction (SECNAVINST) 4000.35, *Department of the Navy Cultural Resources Program*
- SECNAVINST 5090.8, *Policy for Environmental Protection, Natural Resources, Cultural Resources Program*
- SECNAVINST 5100.13E, *Navy and Marine Corps Tobacco Policy*
- SECNAVINST 6240.6E, *Implementation of DoD Directives under DoD Instruction 4700.4.*

Applicable State and Local Regulation

- Aquatic Invasive Species (Fish & Game Code 2300-2302)
- Ballast Management for Control of Nonindigenous Species Act of 1999 (California Public Resources Code 71200-71271)
- Birds (Fish & Game Code 3500-3864)
- California Coastal Act (Public Resources Code 30000-30900)
California Endangered Species Act (Fish & Game Code 2050 et seq.)
- California Environmental Quality Act (Public Resources Code 21000-21177)
- California Harbors and Navigation Code (Division 1.5 Sections 90-153, Division 2 Sections 240-308, Division 3 Sections 650-685, and Division 6 Sections 1690-3980)
- California Ocean Protection Act (Public Resources Code 35500-35650)
- California Riparian Habitat Conservation Program (Fish & Game Code 1385-1391)
- California Waterfowl Habitat Program (Fish & Game Code 3460-3467)
- California Watershed Protection and Restoration Act (Public Resources Code 5808-5808.2)
- California Wildlife Protection Act (Fish & Game Code 2780-2799.6)

- California Wildlife, Coastal, and Park Land Conservation Act (Public Resources Code 5900 et seq.)
- Coastal Ecosystems Protection Act of 2006 (California Public Resources Code 71205.3)
- Cobey-Alquist Flood Management Act (Water Code 8400-8415)
- Conservation and Management of Marine Living Resources (Fish & Game Code 7050-7090)
- Conservation of Aquatic Resources (Fish & Game Code 1700)
- Conservation of Wildlife Resources (Fish & Game Code 1801-1802)
- Conservation, Development, and Utilization of State Water Resources (Water Code 10004-10013)
- Fish (Fish & Game Code 6400-6930)
- Fish and Wildlife Habitat Enhancement Act of 1984 (Fish & Game Code 2600-2651)
- Fish and Wildlife Protection and Conservation (Fish & Game Code 1600-1616)
- Inland Wetlands Conservation Program (Fish & Game Code 1400-1431)
- Mammals (Fish & Game Code 4150-4904)
- Management of Fish and Wildlife on Military Lands (Fish & Game Code 3450-3453)
- Marine Invasive Species Act of 2003 (California Public Resources Code 71200)
- Marine Life Protection Act (Fish & Game Code 2850-2863)
- Native Plant Protection (Fish & Game Code 1900-1913)
- Native Species Conservation and Enhancement (Fish & Game Code 1750-1772)
- Natural Community Conservation Planning Act (Fish & Game Code 2800-2835)
- Ocean Use Planning (Public Resources Code 30960)
- Pesticides and Pest Control Operations (Food and Agriculture Code 6000 et seq.)
- Porter-Cologne Water Quality Control Act (Water Code 13000 et seq.)
- Refuges (Fish & Game Code 10500-10932)
- Reptiles and Amphibians (Fish & Game Code 5000-5050)
- San Diego County Zoning Ordinance (Section 4000 – 4920)
- Stream Alteration Controls (Water Code 5653, 1601 et seq.)
- The Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Public Resources Code 75001-75130)
- Urban Forestry (Public Resources Code 4799.06-4799.12)
- Watershed, Clean Beaches, and Water Quality Act (Public Resources Code 30901-30960)
- Wetlands Mitigation Banking (Fish & Game Code 1850-1852)
- Wetlands Preservation (Public Resources Code 5810-5818.2)
- Wildlife and Natural Areas Conservation Program (Fish & Game Code 2700-2729).

Additional Information on Relevant Environmental Laws, Regulations, Policies, Guidance, Instructions and Orders

Threatened, Endangered, and Candidate Species

An installation's overall ecosystem management strategy must provide for protection and recovery of threatened and endangered species. Under the ESA, an "endangered species" is defined as any species that is in danger of extinction throughout all or a significant portion of its range. A "threatened species" is defined as any species that is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range. Special status species include federally listed species; state listed species, candidate, or species of special concern; migratory birds and birds listed on the Birds of Conservation Concern list; and CNPS listed 1 or 2 species. The USFWS has also presented an updated list of species that are regarded as candidates for possible listing under the ESA. Although candidate species receive no statutory protection under the ESA, the USFWS believes it is important to advise government agencies, industry, and the public that these species are at risk and could warrant protection under the Act. The installation can be proactive in protecting special status species by undertaking the following measures:

- Preparation and implementation of specific management actions for listed species that include protocols for monitoring surveys and for site marking of sensitive areas
- Maintaining GIS data on the distribution and habitat availability for listed species and sharing this information with the California Natural Diversity Database (CNDDDB)
- Implement Environmental Review requirements in accordance with OPNAVINST 5090.1C
- Conduct Environmental Awareness briefings as necessary
- Minimization and conservation measures aimed at reducing the potential for accidental take
- Investigating and implementing research projects to better understand ecological requirements of listed species
- Investigation and implementation of habitat improvement and nonnative species control to conserve listed species.

If threatened, endangered, or candidate species are discovered on the installation during a biotic inventory, species information and management actions should be incorporated into the INRMP.

Soil Erosion BMPs

Erosion BMPs are incorporated on a project by project basis to minimize soil erosion on and off base. Appropriate BMPs are determined by the Project Engineer or other appropriate project personnel with expertise in erosion control. Sand bags, jute netting, straw wattles, and other erosion control devices will be appropriately installed to ensure that erosion doesn't run off the project site. The following is a list of common BMPs implemented for projects on NBC installations; these BMPs are not always applicable and are not inclusive of all BMPs that may be required.

Storm Water BMPs

1. Wash water shall not be discharged down a storm drain or the Bay.
2. Utilize catch devices and sheeting to capture and contain debris and materials that may be generated. Sweep, vacuum, and dispose of properly all captured materials.

3. Maintain and clean channels and paved areas.
4. Cover all loose stockpiles.
5. Prevent discharge of earthen materials during construction with temporary gravel, sandbag dikes, and impermeable liners.
6. Any vegetated areas shall be continually maintained.
7. Asphalt based sealant shall be used instead of coal tar sealant.
8. Coat galvanized metal that will be exposed to precipitation (e.g., paint, powder coat, vinyl coat).