

Table 3. Major Environmental Regulations and Triggers for Compliance

Law, Regulation, or Authorization	Feature Triggering the Need for Compliance
National Environmental Policy Act (NEPA)	<ul style="list-style-type: none"> ■ A federal agency proposes to: <ul style="list-style-type: none"> – undertake an action directly, – approve an action by issuing a permit or other authorization, or – fund an action wholly or in part.
California Environmental Quality Act (CEQA)	<ul style="list-style-type: none"> ■ A State or local public agency proposes to undertake an activity defined as a “project” under CEQA. ■ A private entity proposes to undertake an activity that: <ul style="list-style-type: none"> – is defined as a “project” under CEQA, – requires discretionary approval from a government agency, and – may cause a direct physical change in the environment or a reasonable foreseeable indirect change in the environment.
Federal Endangered Species Act (FESA), California Endangered Species Act (CESA), Natural Community Conservation Planning Act	<ul style="list-style-type: none"> ■ A federal agency proposes to conduct, fund, or permit a major construction activity in an area that may contain a species listed as threatened or endangered under FESA and that may affect the species. ■ A nonfederal entity proposes an action that may result in the take, as defined by FESA, of a species listed as threatened or endangered under FESA. ■ A project proponent proposes an action that may result in the take, as defined by CESA, of species listed under CESA.
Other Federal Regulations	
Section 404 of the Clean Water Act	<ul style="list-style-type: none"> ■ Any person or public agency proposes to dump or place dredged or fill material in waters of the United States.
Section 10 of the Rivers and Harbors Act	<ul style="list-style-type: none"> ■ Any person or public agency proposes to work in, over, or under navigable waters of the United States.
National Wild and Scenic Rivers Act	<ul style="list-style-type: none"> ■ A project would be carried out or at least partially funded by a federal agency and would be a water resources project that may affect the free-flowing characteristics, scenic value, or natural resources of a wild and scenic river or scenic river.
Executive Order 11990 (Protection of Wetlands)	<ul style="list-style-type: none"> ■ A project would be located on federal land, sponsored by a federal agency, or funded with federal monies and may affect wetlands.
Executive Order 11988 (Floodplain Management)	<ul style="list-style-type: none"> ■ A project would be located on federal land, sponsored by a federal agency, or funded with federal monies and may affect a floodplain.
Fish and Wildlife Coordination Act	<ul style="list-style-type: none"> ■ A project would be sponsored or funded by a federal agency and is intended to control or modify surface water.

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Section 106 of the National Historic Preservation Act	<ul style="list-style-type: none"> ■ A project: <ul style="list-style-type: none"> – would be located on federal land, sponsored by a federal agency, permitted by a federal agency, or funded with federal monies; and – would occur in an area where there exist or may exist properties listed or eligible for listing on the National Register of Historic Places.
Farmland Protection Policy Act	<ul style="list-style-type: none"> ■ A project would be located on federal land, sponsored by a federal agency, or funded with federal monies and involves prime or unique farmland as identified by the Natural Resources Conservation Service.
Coastal Zone Management Act	<ul style="list-style-type: none"> ■ A project would involve activities in Suisun Marsh or filling, dredging, shoreline work, or other projects around San Francisco Bay or Suisun Bay.
American Indian Religious Freedom Act	<ul style="list-style-type: none"> ■ A project would be located on federal land, sponsored by a federal agency, or funded with federal monies and could involve impacts on the observance of traditional Native American religions.
Indian trust assets	<ul style="list-style-type: none"> ■ A project could affect Indian trust assets.
Executive Order 12898 (Environmental Justice in Minority and Low-Income Populations)	<ul style="list-style-type: none"> ■ A project would be located on federal land, sponsored by a federal agency, or funded with federal monies and may affect minority or low-income populations.
Other State Laws and Regulations, and State Administered Federal Laws	
Section 401 of the Clean Water Act	<ul style="list-style-type: none"> ■ A project or activity requiring a federal agency license or permit that involves a discharge of a pollutant, including dredged or fill material, into waters of the United States and that could violate state water quality standards.
Waste discharge requirements	<ul style="list-style-type: none"> ■ A project would involve: <ul style="list-style-type: none"> – nonpoint discharge of waste into surface waters of the State or – discharge of waste that may affect groundwater quality.
National Pollutant Discharge Elimination System	<ul style="list-style-type: none"> ■ A project would involve: <ul style="list-style-type: none"> – construction that would disturb 5 acres or more of soil or – the discharge of pollutants into surface waters from point sources or nonpoint sources.

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Water rights	<ul style="list-style-type: none"> ■ A water right holder seeks to: <ul style="list-style-type: none"> – change the point of diversion, place of use, or purpose of use of existing appropriative water rights; – change the quantity of water used under an appropriative water right or the season in which it is used; or – sell or transfer water rights. ■ A project proponent wishes to: <ul style="list-style-type: none"> – obtain a new right to divert and use water not authorized under an existing water right, or – store more than 10 acre-feet of water for more than 30 days.
Groundwater right or authorization for groundwater use	<ul style="list-style-type: none"> ■ A project would involve: <ul style="list-style-type: none"> – the use, replenishment, transfer, or sale of groundwater; – the use of a groundwater basin for storage; or – the construction, abandonment, or destruction of a well.
California Fish and Game Code, Section 1600CLake or Streambed Alteration Agreement	<ul style="list-style-type: none"> ■ A project would: <ul style="list-style-type: none"> – alter the flow or bed, channel, or bank of a water body; – occur within the annual high-water mark of a water body; or – involve the use or alteration of any streambed material.
California Wild and Scenic Rivers Act	<ul style="list-style-type: none"> ■ A project would take place on a river segment designated as wild, scenic, or recreational that could affect the resources for which the river was designated.
Division of Safety of Dams (DSOD) approval	<ul style="list-style-type: none"> ■ A project would entail the construction, modification, or removal of a dam, levee, artificial pond, reservoir, or other structure falling under DSOD jurisdiction.
State Lands Commission land use lease	<ul style="list-style-type: none"> ■ A project would be conducted in state-owned areas waterward of: <ul style="list-style-type: none"> – the ordinary high-water mark as it last existed naturally, before artificial influences, in waterways that are subject to tidal action; or – the ordinary low-water mark before artificial influences, in waterways that are not subject to tidal action.
California State Reclamation Board (Reclamation Board) permit	<ul style="list-style-type: none"> ■ A project would involve: <ul style="list-style-type: none"> – the placement, construction, reconstruction, removal, or abandonment of any landscaping, culvert, bridge, conduit, fence, projection, fill, embankment, building, structure, obstruction, or encroachment within an area under the jurisdiction of the Reclamation Board; or – work of any kind within an area for which there is an adopted flood-control plan.

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California Department of Transportation encroachment permit	<ul style="list-style-type: none"> ■ A project would include an area within, under, or over a State highway right-of-way.
Air districts' authority to construct and permit to operate	<ul style="list-style-type: none"> ■ An activity would involve: <ul style="list-style-type: none"> – a new or modified source of air pollutant emissions or – fugitive dust emissions.
Local Regulations and Approvals	<ul style="list-style-type: none"> ■ A project would involve: <ul style="list-style-type: none"> – an activity not consistent with a general plan (variance), – earthmoving activities (grading permit), – construction within the right-of-way of a public road (encroachment permit), – construction or significant modification of a structure (building permit), – a proposed use for a property that is not a designated land use in the zoning for the property (special-use or conditional-use permit), – the division of private land (subdivision map approval), – planned development of an area (specific plan approval), – a use of land not permitted conditionally or by right (zoning ordinance amendment), – mining and reclamation activities (Surface Mining and Reclamation Act compliance), or – fee-title acquisition of lands under Williamson Act contracts.
Hazardous Materials Laws and Regulations	<ul style="list-style-type: none"> ■ A project would involve exposure of individuals or the environment to hazardous materials or wastes.