Appendix A: Conservation Regulatory Setting

Biological Resources

TAHOE REGIONAL PLANNING AGENCY

Regional Plan Goals and Policies

The Conservation Element of the Goals and Policies document consists of 10 subelements that address natural and historical resources. The vegetation, wildlife, fisheries, and stream environment zone (SEZ) subelements are discussed in this section. The goals related to each of these subelements are described below.

The five goals identified for vegetation include:

- Provide for a wide mix and increased diversity of plant communities in the Tahoe Region
- Provide for the protection, maintenance and restoration of such unique eco-systems as wetlands, meadows, and other riparian vegetation
- Conserve threatened, endangered, and sensitive plant species and uncommon plan communities of the Lake Tahoe Region
- Provide for and increase the amount of late seral/old growth stands within the Lake Tahoe Region
- The appropriate stocking level and distribution of snags and coarse woody debris shall be retained in the Region's forests to provide for habitat for organisms that depend on such features and to perpetuate natural ecological processes.

The two goals identified for wildlife include:

- Maintain suitable habitats for all indigenous species of wildlife without preference to game or non-game species though maintenance and improvement of habitat diversity
- Preserve, enhance, and, where feasible, expand habitats essential for threatened, endangered, rare, or sensitive species found in the Region.

The goal identified for fisheries is:

- Improve aquatic habitat essential for the growth, reproduction, and perpetuation of existing and threatened fish resources in the Lake Tahoe Region.

The goal identified for SEZs is:

- Provide for the long-term preservation and restoration of stream environment zones.

Environmental Threshold Carrying Capacities

TRPA threshold standards define special attainment goals that have been developed to focus on management efforts and provide a measure of progress for vegetation, wildlife and fisheries. See Chapters 6, 7 and 8 of the 2011 Threshold Evaluation Report for additional information.

In 1982, TRPA established vegetation threshold standards for three indicator categories including (1) common vegetation, (2) uncommon plant communities, and (3) sensitive plants. Additionally, in 2001 TRPA adopted threshold standards for late seral and old growth forest ecosystems.

There are two indicator reporting categories that pertain to the wildlife threshold category including (1) special interest species and (2) habitats of special significance.

There are three indicator reporting categories pertaining to fishery thresholds including (1) lake habitat, (2) stream habitat, (3) instream flow, and (4) Lahontan cutthroat trout.

Code of Ordinances

The applicable chapters of the TRPA Code of Ordinances regarding vegetation, wildlife, and fisheries are identified below.

- Chapter 30: Land Coverage
- Chapter 33: Grading and Construction
- Chapter 61: Vegetation and Forest Health
- Chapter 62: Wildlife Resources
- Chapter 63: Fish Resources

FEDERAL

Federal Endangered Species Act

The Federal Endangered Species Act (ESA) protects fish and wildlife species, and their habitats that have been identified by the US Fish and Wildlife Service (USFWS) or National Oceanic & Atmospheric Administration's National Marine Fisheries Service (NMFS) as threatened or endangered. Endangered refers to species, subspecies, or distinct population segments that are in danger of extinction through all or a significant portion of their range. Threatened refers to species, subspecies, or distinct population segments that are likely to become endangered in the near future.

The ESA is administered by the USFWS and the NMFS. In general, NMFS is responsible for protection of ESA-listed marine species and anadromous fish, whereas other listed species are under USFWS jurisdiction. Provisions of ESA Sections 7 and 9 are relevant to the general plan update and are summarized below.

Endangered Species Act Authorization Process for Federal Actions (Section 7)

Section 7 of the ESA provides a means for authorizing take of threatened and endangered species by federal agencies. Under Section 7, the federal agency conducting, funding, or permitting an action must consult with USFWS or NMFS, as appropriate, to ensure that the proposed action will not jeopardize endangered or threatened species or destroy or adversely modify designated critical habitat. If a proposed project "may affect" a listed species or designated critical habitat, the lead agency is required to prepare a biological assessment evaluating the nature and severity of the expected effect. In response, USFWS or NMFS issues a biological opinion, with a determination that the proposed action either:

- May jeopardize the continued existence of one or more listed species (jeopardy finding) or result in the destruction or adverse modification of critical habitat (adverse modification finding), or
- Will not jeopardize the continued existence of any listed species (no jeopardy finding) or result in adverse modification of critical habitat (no adverse modification finding).

The biological opinion issued by the USFWS or NMFS may stipulate discretionary "reasonable and prudent" conservation measures. If the project would not jeopardize a listed species, the USFWS or NMFS issues an incidental take statement to authorize the proposed activity.

Endangered Species Act Prohibitions (Section 9)

Section 9 of the ESA prohibits the take of any fish or wildlife species listed as endangered. A take of threatened species also is prohibited, unless otherwise authorized by federal regulations. In some cases, exceptions may be made for threatened species under ESA Section 4[d]; in such cases, the USFWS or NMFS issues a "4[d] rule" describing protections for the threatened species and specifying the circumstances under which a take is allowed. Take, as defined by ESA, means "to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct." In addition, Section 9 prohibits removing, digging up, cutting, and maliciously damaging or destroying federally listed plants on sites under federal jurisdiction.

Clean Water Act

The federal Clean Water Act (CWA) was enacted as an amendment to the federal Water Pollution Control Act of 1972, which outlined the basic structure for regulating discharges of pollutants to waters of the United States. The CWA serves as the primary federal law protecting the quality of the nation's surface waters, including lakes, rivers, and coastal wetlands.

The CWA empowers the Environmental Protection Agency (EPA) to set national water quality standards and effluent limitations and includes programs addressing both point-source and nonpoint-source pollution. Point-source pollution is pollution that originates or enters surface waters at a single, discrete location, such as an outfall structure or an excavation or construction site. Nonpoint-source pollution originates over a broader area and includes urban contaminants in stormwater runoff and sediment loading from upstream areas. The CWA operates on the principle that all discharges into the nation's waters are unlawful unless spe-

cifically authorized by a permit; permit review is the CWA's primary regulatory tool. The following sections provide additional details on specific sections of the CWA.

Permits for Fill Placement in Waters and Wetlands (Section 404)

CWA 404 regulates the discharge of dredged and fill materials into waters of the United States. Waters of the United States refers to oceans, bays, rivers, streams, lakes, ponds, and wetlands, including:

- Areas within ordinary high-water mark of a stream, including nonperennial streams with a defined bed and bank and any stream channel that conveys natural runoff, even if it has been realigned; and
- Seasonal and perennial wetlands, including coastal wetlands.

Applicants must obtain a permit from the US Army Corps of Engineers (USACE) for all discharges of dredged or fill material into waters of the United States, including adjacent wetlands, before proceeding with a proposed activity. The USACE may issue either an individual permit evaluated on a case-by-case basis or a general permit evaluated at a program level for a series of related activities. General permits are preauthorized and are issued to cover multiple instances of similar activities expected to cause only minimal adverse environmental effects. Nationwide permits are a type of general permit issued to cover particular fill activities.

Compliance with CWA 404 requires compliance with several other environmental laws and regulations. The Corps cannot issue an individual permit or verify the use of a general permit until the requirements of the National Environmental Policy Act (NEPA), ESA, and NHPA have been met. In addition, the Corps cannot issue or verify any permit until a water quality certification or a waiver of certification has been issued pursuant to CWA 401.

Executive Order 13186 (Federal Migratory Bird Treaty Act)

The Migratory Bird Treaty Act (MBTA) (16 U.S. Government Code 703–711) prohibits the take of any migratory bird or any part, nest, or eggs of any such bird. Under the act, take is defined as the action of or attempt to "pursue, hunt, shoot, capture, collect, or kill." This act applies to all persons and agencies in the United States, including federal agencies.

Executive Order 13186 for conservation of migratory birds (January 11, 2001) requires any project with federal involvement to address the impacts of federal actions on migratory birds. The order is designed to assist federal agencies in their efforts to comply with the MBTA and does not constitute any legal authorization to take migratory birds. The order also requires federal agencies to work with the USFWS to develop a memorandum of understanding (MOU). Protocols developed under the MOU must promote the conservation of migratory bird populations through:

- Avoiding and minimizing, to the extent practicable, adverse impacts on migratory bird resources when conducting agency actions;
- Restoring and enhancing the habitat of migratory birds, as practicable; and
- Preventing or abating the pollution or detrimental alteration of the environment for the benefit of migratory birds, as practicable.

STATE

California Endangered Species Act

Passed in 1984, the California Endangered Species Act (CESA) prohibits the take of endangered and threatened species; however, habitat destruction is not included in the state's definition of take. Under the CESA, a take is defined as an activity that would directly or indirectly kill an individual of a species, but the definition does not include harm or harassment. Section 2090 of CESA requires state agencies to comply with endangered-species protection and recovery and promote conservation of these species. CESA defers to the California Native Plant Protection Act of 1977, which prohibits importing rare and endangered plants into California, taking rare and endangered plants, and selling rare and endangered plants. State-listed plants are protected mainly in cases where state agencies are involved in projects under CEQA. In these cases, plants listed as rare under the California Native Plant Protection Act are not protected under CESA but can be protected under CEQA.

California Fish and Game Code

Section 1602

Under Section 1602 of the California Fish and Game Code, public agencies are required to notify the DFG before undertaking any project that would divert, obstruct, or change the natural flow, bed, channel, or bank of any river, stream, or lake. Preliminary notification and project review occur generally during the environmental process. When an existing fish or wildlife resource may be substantially adversely affected, the DFG is required to propose reasonable project changes to protect the resources. These modifications are formalized in a streambed-alteration agreement that becomes part of the plans, specifications, and bid documents for the project.

Sections 3503 and 3503.5

Section 3503 of the California Fish and Game Code prohibits the destruction of bird nests. Section 3503.5 prohibits the killing of raptor species and the destruction of raptor nests.

Section 3511 (Fully Protected Birds)

The California Fish and Game Code provides protection from take for a variety of species, referred to as fully protected species. Section 3511 lists fully protected birds and prohibits take of these species. The California Fish and Game Code defines take as "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill." Except for take related to scientific research, all take of fully protected species is prohibited.

California Department of Forestry and Fire Protection

The California Department of Forestry and Fire Protection (CDF) maps areas of significant fire hazards in the state. These areas are identified based on weather, terrain, fuels (e.g. type of ground vegetation), and other factors. The CDF designates land as State or Local Responsibility Area (SRA or LRA), based on population density, land use, and land ownership. CDF has legal responsibility for SRA land and local jurisdictions have responsibility for LRA land. LRA land generally includes densely populated urban area and agricultural land.

CDF enforces the laws that regulate logging on privately-owned land in California. Enacted in 1973, the Forest Practice Act ensures that logging in done in a manner that preserves and protects the environment.

CDF also enforces California Public Resources Code 4291 which requires homeowners create and maintain defensible space around their homes. This code was recently amended to increase the defensible space zone from 30 feet to 100 feet.

LOCAL

Tahoe Basin Fire Safety Council

The Tahoe Basin Fire Safe Council is responsible for providing technical and tactical support to the fire districts, coordinating with land management and regulatory agencies, coordinating activities between homeowner groups, and developing education materials and reaching out to the public to assist with implementation of the community wildfire protection plans.

North Lake Tahoe Fire District

The North Tahoe Fire Protection District (NTFPD) provides fire, rescue, hazardous materials, river rescue, technical rope rescue, vehicle extrication, advanced life support ambulance service, pre-fire planning, and public education services within the Plan Area. NTFPD was created in 1993 through the consolidation of the North Tahoe and Tahoe City Fire Protection Districts and protects approximately 31 square miles within the district boundary.

Hydrology, Water Quality and Flooding

TAHOE REGIONAL PLANNING AGENCY

TRPA was designated as an area-wide planning agency under Section 208 of the federal Clean Water Act (CWA). TRPA has adopted standards, policies, and ordinances directed at protecting and improving water quality of Lake Tahoe. These include Goals and Policies, Environmental Threshold Carrying Capacities, Code of Ordinances, and the Water Quality Management Plan.

Regional Plan Goals and Policies

Goals include the reduction of sediments and nutrients to Lake Tahoe and elimination or reduction of pollutants. Policies address a range of issues including snow removal, wastewater spill prevention, underground storage tanks, dredging, and reduction of impacts from motorized watercraft.

Environmental Threshold Carrying Capacities

In 1982, TRPA established water quality threshold standards for six indicator categories including (1) Lake Tahoe pelagic (deep) waters, (2) Lake Tahoe littoral (nearshore) waters, (3) tributaries, (4) direct surface runoff and storm water discharge to surface waters, (5) stormwater discharge to groundwater, and (6) other lakes. Water quality thresholds adopted by TRPA set a target to return the Lake to the transparency observed in the 1960s.

Code of Ordinances

The TRPA Code of Ordinances contains a range of requirements that pertain to the protection of water resources and water quality for hydrology, coverage, and grading and excavation. These include:

- Chapter 30: Land Coverage
- Chapter 33.3: Grading Standards
- Chapter 33.4: Special Information Reports and Plans
- Chapter 33.5: Grading and Construction Schedules
- Chapter 35: Natural Hazard Standards
- Chapter 60.1: Water Quality Control
- Chapter 60.2: Water Quality Mitigation
- Chapter 60.3: Source Water Protection
- Chapter 60.4: Best Management Practice Requirements

Water Quality Management Plan for the Lake Tahoe Region (208 Plan)

The Water Quality Management Plan for the Lake Tahoe Region (208 Plan) was prepared by TRPA in compliance with Section 208 of the federal Clean Water Act (CWA). The 208 Plan contains overlapping elements with the TRPA Regional Plan, including the Handbook of Best Management Practices, the Stream Environment Zone Protection and Restoration Program, and the Capital Improvements Program for Erosion and Runoff Control. The 208 Plan identifies pollution sources, control needs, and management practices to improve water quality. An updated 208 Plan was adopted by the U.S. EPA on June 19, 2013. The Plan was updated concurrent with the Regional Plan Update to ensure overlapping elements of the 208 Plan were consistent with the Regional Plan.

FEDERAL

Federal Antidegradation Policy

The EPA has designated Lake Tahoe an Outstanding National Resource Water (ONRW). ONRWs are provided the highest level of protection under EPA's Antidegradation Policy, stipulating that states may allow some limited activities that result in temporary and short-term changes to water quality, but that such changes should not adversely affect existing uses or alter the essential character or special uses for which the water was designated an ONRW. EPA interprets this provision to mean that no new or increased discharges to ONRWs and no new or increased discharge that would result in lower water quality are permitted.

Clean Water Act

The permit program for placement of clean fill materials into the waters of the United States, regulated by Section 404 of the Clean Water Act, is administered by the USACE. Section 401 of the Act requires that an applicant pursuing a federal permit to conduct any activity that may result in a discharge of a pollutant obtain a water quality certification or waiver. In Cali-

fornia, this certification is issued by one of nine Regional Water Quality Control Boards with jurisdiction over the permitting area, in this case the Lahonton Regional Board. Under the Act, the Regional Board must issue the certification or a waiver for the proposed activity to be permitted under Section 404. A certification requires the evaluation of water quality considerations associated with dredging or placement of fill materials into waters of the United States.

Section 402 of the Act establishes the National Pollutant Discharge Elimination System (NPDES) permit program. The NPDES program is intended to control discharges of pollutants from both point and nonpoint sources, such as stormwater. EPA has delegated NPDES permitting authority to the State Water Resources Control Board.

STATE

Porter-Cologne Water Quality Control Act

The Porter-Cologne Water Quality Control Act of 1969 established the State Board and divided the state into nine regional basins, each with a regional board. The State Board is the primary state agency responsible for protecting the quality of the state's surface and groundwater supplies.

This Act authorized the State Board to draft state policies regarding water quality. It also authorizes the State Board to issue waste discharge requirements for discharges to state waters and requires that the State Board or regional board adopt water quality control plans (basin plans) for the protection of water quality. A basin plan must:

- Identify beneficial uses of water to be protected,
- Establish water quality objectives for the reasonable protection of the beneficial uses, and
- Establish a program of implementation for achieving the water quality objectives.

These plans also provide the technical basis for determining waste discharge requirements, taking enforcement actions, and evaluating clean water grant proposals. Basin plans are updated and reviewed every three years. National Pollutant Discharge Elimination System (NPDES) permits issued to control pollution must implement requirements of the applicable regional basin plans.

Lahontan Regional Water Quality Control Board

The primary responsibility for protection of water quality in California rests with the State Water Resources Control Board and nine Regional Water Quality Control Boards. The Tahoe Region is located within the jurisdiction of the Lahontan Regional Water Quality Control Board (LRWQCB). The LRWQCB region measures 570 miles long and covers an area of 33,131 square miles, extending from the Oregon border to the northern Mojave Desert, and includes all of California east of the Sierra Nevada crest.

In Placer County, LRWQCB implements the California Water Code, including the Porter-Cologne Act, and a variety of other laws to control solid waste and toxic and hazardous

wastes. LRWQCB has authority issue waste discharge permits, take enforcement action against violators, and jointly administer federal and state laws related to water quality in coordination with the EPA and USACE.

The Basin Plan designates beneficial uses of major rivers and groundwater basins and establishes narrative and numerical water quality objectives for those waters. Beneficial uses represent the services and qualities of a water body (i.e., the reasons why the water body is considered valuable), while water quality objectives represent the standards necessary to protect and support those beneficial uses. Basin plans are primarily implements using the NPDES permitting system to regulate waste discharges so that water quality objectives are met. Basin plans are updated every three years, and provide technical basis for determining waste discharge requirements and taking enforcement actions.

Soils, Land Capability and Coverage

TAHOE REGIONAL PLANNING AGENCY

Several policies and regulations pertain to geology, soils, land capability, and coverage. These are identified in the Regional Plan Goals and Policies Document, Environmental Threshold Carrying Capacities, Code of Ordinances, and Water Quality Management Plan.

Regional Plan Goals and Policies

Goals and policies applicable to geology, soil, land capability and coverage are included in several elements and subelements of the Goals and Policies Document. These include:

- Natural Hazards Subelement (Land Use Element),
- Water Quality Subelement (Land Use Element),
- Stream Environment Zone Subelement (Conservation Element), and
- Soils Subelement (Conservation Element).

Environmental Threshold Carrying Capacities

TRPA has two soil conservation threshold indicator reporting categories including impervious cover and stream environment zones (SEZs). In total there are 10 adopted soil conservation targets related to impervious cover and one related to SEZs. See Chapter 5 of the 2011 Threshold Evaluation Report for additional information.

Code of Ordinances

Various chapters in the Code of Ordinances pertain to land coverage, grading and construction, new development, and best management practices for runoff. These include:

- Chapter 30: Land Coverage Standards
- Chapter 33: Grading and Construction
- Chapter 53: Individual Parcel Evaluation System (IPES)

- Chapter 60.4: Best Management Practice (BMP) Requirements

STATE

Water Quality Control Plan for Lahontan Region

Water quality standards and control measures for surface water and groundwaters of the Lahontan Region are contained in the Water Quality Control Plan for the Lahontan Region (Basin Plan). The Basin Plan designates beneficial uses for water bodies. It also establishes water quality objectives, waste discharge prohibitions, and other implementation measures to protect those beneficial uses.

Chapter 5 of the Basin Plan, Water Quality Standards and Control Measures for the Lake Tahoe Basin, summarizes a variety of control measures for the protection and enhancement of Lake Tahoe. Implementation of the Basin Plan is a bi-state, interagency effort. Many of the control measures can best be implemented by local governments or TRPA, but LRWQCB and the State Water Resources Control Board are ultimately responsible for implementation. To the extent that other agencies do not make and fulfill implementation commitments, LRWQCB will carry out these control measures.

Scenic Resources

TAHOE REGIONAL PLANNING AGENCY

Regional Plan Goals and Policies

The TRPA Regional Plan identifies two scenic resource goals that are to: 1) maintain and resort the scenic qualities of the natural appearing landscape, and 2) improve the accessibility of Lake Tahoe for Public viewing. TRPA implements these goals through environmental threshold carrying capacities and Code of Ordinances.

Environmental Threshold Carrying Capacities

The TRPA threshold team completed the scenic resource inventory and evaluation in 1982, which establishes numeric threshold standards for preservation of scenic quality. In 1993, TRPA adopted numeric threshold standards for public recreation areas and bike trails. See Chapter 9 of the 2011 Threshold Evaluation Report for additional information.

Code of Ordinances

The Code of Ordinances implements the goals and policies outlined in the Regional Plan through a defined set of standards, laws and ordinances that apply to all development with the Region. Applicable standards include:

- Chapter 36: Design Standards
- Chapter 66: Scenic Standards
- Chapter 37: Height Standards
- Chapter 34: Parking

- Chapter 38: Signage

FEDERAL

US Forest Service, Lake Tahoe Basin Management Unit

More than 75 percent of the lands within the Lake Tahoe Basin are managed by the U.S. Forest Service (USFS), Lake Tahoe Basin Management Unit (LTBMU). These public lands, totaling over 150,000 acres, include beaches, hiking and biking trails, wilderness, historic estates, and developed recreation areas such as campgrounds and riding stables. The land is managed primarily to provide public recreational access and to protect the diverse natural resources of the region. Management direction is spelled out in the 1988 LTBMU Land and Resource Management Plan, as amended by the Sierra Nevada Forest Plan Amendment (SNFPA) in 2004. The LTBMU Forest Plan is currently being revised.

Scenic Integrity Objectives

According to the Forest Service, scenic integrity is a measure of the degree to which a landscape is visually perceived to be complete. The Forest Service has identified Scenic Integrity Objectives (SIOs) for all LTBMU lands that serve as targets for managing scenic quality. The SIOs were derived based on information generated through a comprehensive scenic inventory process. They represent the desired future condition for scenery on lands managed by the LTBMU. In most areas, the existing scenic integrity level is equivalent to the desired future condition. Locales where scenic conditions are currently less than desirable constitute areas where improvement or rehabilitation is needed. Specific areas include ski runs and acreage affected by wildfires such as the Gondola Fire of 2002 and the Angora Fire of 2007. The assigned SIOs for the entire LTBMU will be represented in the Revised Land and Resource Management Plan.

Built Environment Image Guide

The appearance and aesthetics of new facilities installed on National Forest System lands are directed by the Built Environment Image Guide for the National Forests and Grasslands. Such facilities include administration buildings, recreation structures, site improvements, structures on roads or trails, as well as signs installed by the Forest Service, its cooperators, and its permittees. The Built Environment Image Guide describes an approach for designing recreation and administrative facilities, as well as a process for ensuring that built facilities fit within the context of their ecological, physical, and cultural setting, while establishing specific architectural character types for new facilities.

National Scenic Byway

The National Scenic Byways (NSB) Program was established under the Intermodal Surface Transportation Efficiency Act of 1991, and reauthorized in 1998 under the Transportation Equity Act for the 21st Century. Under the program, the U.S. Secretary of Transportation recognizes certain roads as National Scenic Byways or All-American Roads based on their archaeological, cultural, historic, natural, recreational, and scenic qualities.

The program aims to:

- create a distinctive collection of American roads, their stories and treasured places and
- create a unique travel experience and enhanced local qualify of life through efforts to preserve, protect, interpret, and promote the intrinsic qualities of designated byways.

STATE

California Scenic Highway Program

The California Scenic Highway Program was created by the California State Legislature in 1963 and is managed by the California Department of Transportation (Caltrans). Its purpose is to protect and enhance the natural scenic beauty of California highways and adjacent corridors through special conservation treatment. A highway may be designated "scenic" depending on how much of the natural landscape travelers can see, the scenic quality of the landscape, and the extent to which development intrudes on a traveler's enjoyment of the view. Official designation requires a local jurisdiction to enact a scenic Corridor Protection Program that protects and enhances scenic resources along the highway.

The program aims to:

- protect the scenic corridor from encroachment of incompatible land uses;
- mitigate activities within the corridor that detract from its scenic quality by proper siting, landscaping or screening;
- prohibit billboards and regulate on-site signs so that they do not detract from scenic views;
- make development more compatible with the environment and in harmony with the surroundings;
- regulate grading to prevent erosion and cause minimal alteration of existing contours and to preserve important vegetative features along the highway;
- preserve views of hillsides by minimizing development on steep slopes and along ridgelines; and
- prevent the need for noise barriers (sound walls) by requiring a minimum setback for residential development adjacent to a scenic highway (Caltrans 2011).

Historic and Cultural Resources

TAHOE REGIONAL PLANNING AGENCY

The Conservation Element of the Goals and Policies document includes a Cultural Subelement with the following goal—identify and preserve sites of historical, cultural, and architectural significance within the Region. This goal is implemented through the TRPA Code of Ordinances Chapter 67, which includes standards to protect significant cultural, historical, archaeological, and paleontological resources.

FEDERAL

National Historic Preservation Act

The National Historic Preservation Act (NHPA) is the most prominent federal law dealing with historic preservation. The NHPA established guidelines to "preserve important historic, cultural, and natural aspects of our national heritage, and to maintain, wherever possible, an environment that supports diversity and a variety of individual choice." The NHPA includes regulations specifically for federal land-holding agencies, but also includes regulations (Section 106) which pertain to all projects that are funded, permitted, or approved by any federal agency and which have the potential to affect cultural resources. All projects that are subject to the National Environmental Policy Act (NEPA) are also subject to compliance with Section 106 of the NHPA. At the federal level, the Office of Historic Preservation (OHP) carries out reviews under Section 106 of the NHPA.

National Register of Historic Places

NHPA authorizes the Secretary of the Interior to establish a National Register of Historic Places (National Register), an inventory of districts, sites, buildings, structures, and objects significant on a national, State, or local level in American history, architecture, archeology, engineering, and culture. The National Register is maintained by the National Park Service, the Advisory Council on Historic Preservation, State Historic Preservation Office, and grants-in-aid programs.

To be potentially eligible for listing on the National Register of Historic Places (NRHP), a building must usually be over 50 years old and must have historic significance and must retain its physical integrity. More detailed eligibility criteria are described in the Code of Federal Regulations, Title 36, Part 60. Historical Resources achieving significance with less than 50 years may be considered for listing if they are of "exceptional importance," or if they are integral parts of districts that are eligible for listing in the National Register.

STATE

California Register of Historic Resources

The State Historical Preservation Office maintains the California Register of Historic Resources (California Register). Historic properties listed, or formally designated for eligibility to be listed, on the National Register are automatically listed on the California Register (Public Resources Code, Section 5024.1). State Landmarks and Points of Interest are also automatically listed. The California Register can also include properties designated under local preservation ordinances or identified through local historic resource surveys.

For a historic resource to be eligible for listing on the California Register, it must be significant at the local, state, or national level under one or more of the following four criteria:

1. It is associated with events that have made a significant contribution to the broad patterns of local or regional history, or the cultural heritage of California or the United States;

2. It is associated with the lives of persons important to local, California, or national history;
3. It embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of a master or possesses high artistic values; or
4. It has yielded, or has the potential to yield, information important to the prehistory or history of the local area, California, or the nation (California Public Resources Code, Section 5024.1).

Additional criteria are listed in California Code of Regulations, Title 14, Chapter 11.5. A building must usually be over 50 years old, must have historic significance, and must retain its physical integrity. Historical resources achieving significance within less than 50 years may be considered for listing in the California Register if it can be demonstrated that sufficient time has passed to understand it historical importance.

California Environmental Quality Act

CEQA directs the lead agency on any project undertaken, assisted, or permitted by the State to include in its environmental impact report for the project a determination of the project's effect on unique archeological resources. It enables a lead agency to require an applicant to make reasonable effort to preserve or mitigate impacts to any affected unique archeological resource. CEQA also establishes that adverse effects on an historical resource qualifies as a significant effect on the environment.

CEQA Guidelines

Historic Resources

CEQA guidelines define three ways that a property can qualify as a significant historical resource:

1. If the resource is listed in or determined eligible for listing in the California Register of Historical Resources (CRHR);
2. If the resource is included in a local register of historical resources, as defined in section 5020.1(k) of the Public Resources Code, or is identified as significant in a historical resource survey meeting the requirements of section 5024.1(g) of the Public Resources Code unless a preponderance of evidence demonstrates that it is not historically or culturally significant; or,
3. If the lead agency determines the resource to be significant as supported by substantial evidence (California Code of Regulations, Title 14, Division 6, Chapter 3, section 15064.5).

In addition to determining the significance and eligibility of any identified historical resource under CEQA and the California Register, historic properties must be evaluated under the criteria for the National Register should federal funding or permitting become involved in any undertaking subject to this document.

Archeological Resources

CEQA Guidelines state that "public agencies should, whenever feasible, seek to avoid damaging effects on any historical resources of an archeological nature." The Guidelines further state that preservation-in-place is the preferred approach to mitigate impacts on archaeological resources, but permits recovery through excavation where it is the only feasible measure, and if it is done according to an approved plan.

LOCAL

Placer County

The Recreational and Cultural Resources Section (Section 5) of the Placer County General Plan (adopted August 16, 1994) includes a goal to "identify, protect, and enhance Placer County's important historical, archaeological, paleontological, and cultural sites and their contributing environment." This plan also includes policies to protect and enhance cultural resources through various means, including incentive programs for private property owners, public education, avoidance and mitigation of cultural resource impacts in discretionary development projects, coordination with the local Native American community and NAHC, and assisting private citizens seeking historic landmark designations for their property.

Air Quality

The air quality management agencies of direct importance to the Community Plan Update include U.S. Environmental Protection Agency (EPA), California Air Resources Board (CARB), the Tahoe Regional Planning Agency, and the Placer County Air Pollution Control District (PCAPCD). The EPA has established federal standards for which the CARB and PCAPCD have primary implementation responsibility. The CARB and PCAPCD are responsible for ensuring that state standards are met. PCAPCD is responsible for implementing strategies for air quality improvement and recommending mitigation measures for new growth and development. At the local level, air quality is affected by development practices and measures addressing air quality are implemented through the Regional Plan, zoning, and development review process. PCAPCD is responsible for establishing and enforcing local air quality rules and regulations that address the requirements of federal and state air quality laws.

TAHOE REGIONAL PLANNING AGENCY

Regional Plan Goals and Policies

The Land Use Element of the Goals and Policies document consists of seven subelements, one of which is the Air Quality Subelement. The Air Quality Subelement identifies the following two goals:

- Attain and maintain air quality in the Region at levels that are healthy for humans and the ecosystem, achieve and maintain environmental thresholds and do not interfere with residents' and visitors' visual experience, and
- Maintain an effective air quality mitigation program for the Region.

Environmental Threshold Carrying Capacities

TRPA threshold standards for air quality address carbon monoxide (CO), ozone, regional and sub-regional visibility, and nitrate deposition. TRPA established numerical standards for each of the parameters in 1982, and management standards have been developed that are intended to assist in attaining the threshold standards. See Chapter 3 of the 2011 Threshold Evaluation Report for additional information.

Code of Ordinances

Various chapters in the Code of Ordinances pertain to air quality. These include:

- Chapter 65.1: Air Quality Control
- Chapter 65.2: Traffic and Air Quality Mitigation Program.

Regional Transportation Plan

The Regional Transportation Plan (TRP) contains specific measures designed to monitor and achieve the air quality objectives of the Regional Plan, and to attain and maintain the TRPA thresholds.

FEDERAL AND STATE AMBIENT AIR QUALITY STANDARDS

Air pollution control programs were established in California before federal requirements were enacted. However, federal Clean Air Act legislation in the 1970s resulted in a gradual merging of state and federal air quality programs, particularly those relating to industrial sources. Air quality management programs developed by California since the late 1980s have generally responded to requirements established by the federal Clean Air Act (CAA).

The enactment of the California Clean Air Act (CCAA) in 1988 and the federal CAA Amendments of 1990 has produced additional changes in the structure and administration of air quality management programs. The CCAA requires preparation of an air quality attainment plan for any area that violates state standards for carbon monoxide (CO), sulfur dioxide (SO2), nitrogen dioxide (NO2), or ozone (O3). Locally prepared attainment plans are not required for areas that violate the state standards for PM10, but the CARB is currently addressing PM10 attainment issues.

California and the federal government have established standards for several different pollutants. For some pollutants, separate standards have been set for different measurement periods. Most standards have been set to protect public health. For some pollutants, standards have been based on other values (such as protection of crops, protection of materials, or avoidance of nuisance conditions). State and federal standards, as well as the attainment status of Placer County, for a variety of pollutants are summarized in Table A-1.

Table A-1: State and National Criteria Air Pollutant Standards, Effects, and Sources

Pollutant	*Averaging Time*	*California Standard*	*National Primary Standard*	*Major Pollutant Sources*	*Pollutant Health and Atmospheric Effects*
Ozone	1 hour	0.09 ppm	---	On-road motor vehicles, other mobile sources, solvent extraction, combustion, industrial and commercial processes.	High concentrations can directly affect lungs, causing irritation. Long-term exposure may cause damage to lung tissue.
	8 hour	0.07 ppm	0.08 ppm		
Carbon Monoxide	1 hour	20 ppm	35 ppm	Internal combustion engines, primarily gasoline-powered motor vehicles.	Classified as a chemical asphyxiant, carbon monoxide interferes with the transfer of fresh oxygen to the blood and deprives sensitive tissues of oxygen.
	8 hour	9.0 ppm	9.0 ppm		
	8 hour (Lake Tahoe)	6 ppm	---		
Nitrogen Dioxide	1 hour	0.18 ppm	---	Motor vehicles, petroleum refining operations, industrial sources, aircraft, ships, and railroads.	Irritating to eyes and respiratory tract. Colors atmosphere reddish brown.
	Annual Average	0.03 ppm	0.053 ppm		
Sulfur Dioxide	1 hour	0.25 ppm	---	Fuel combustion, chemical plants, sulfur recovery plants, and metal processing.	Irritates upper respiratory tract, injurious to lung tissue. Can yellow the leaves of plants, destructive to marble, iron and steel. Limits visibility and reduces sunlight.
	24 hour	0.04 ppm	0.14 ppm		
	Annual Average	---	0.03 ppm		
Respirable Particulate Matter (PM-10)	24 hour	50 $\mu g/m^3$	150 $\mu g/m^3$	Dust- and fume-producing industrial and agricultural operations, combustion, atmospheric photochemical reactions, and natural activities (e.g. wind-raised dust and ocean sprays).	May irritate eyes and respiratory tract, decreases lung capacity and increases risk of cancer and mortality. Produces haze and limit visibility.
	Annual Average	20 $\mu g/m^3$	---		
Fine Particulate Matter (PM-2.5)	24 hour	---	35 $\mu g/m^3$	Fuel combustion in motor vehicles, equipment and industrial sources; residential and agricultural burning. Also formed from photochemical reactions of other pollutants, including NOx, sulfur oxides, and organics.	Increases respiratory disease, lung damage, cancer and premature death. Reduces visibility and results in surface soiling.
	Annual Average	12 $\mu g/m^3$	15 $\mu g/m^3$		
Lead	Monthly Average	1.5 $\mu g/m^3$	---	Present source: lead smelters, battery manufacturing and recycling facilities. Past source: combustion of leaded gasoline.	Disturbs gastrointestinal system, and causes anemia, kidney disease, and neuromuscular and neurologic dysfunction.
	Quarterly	---	1.5 $\mu g/m^3$		

1. Note: ppm=parts per million; and μg/m3=micrograms per cubic meter

Source: California Air Resource Board, available at www.arb.ca.gov/research/aaqs/aaqs2.pdf, Published April 2008. Accessed June 2, 2008.

FEDERAL

The federal CAA, enacted in 1963 and amended several times thereafter (including the 1990 amendments), establishes the framework for modern air pollution control. The CAA directs the EPA to establish ambient air standards for six pollutants: ozone, CO, lead (Pb), NO2, particulate matter, and SO2. The standards are divided into primary and secondary standards. Primary standards are designed to protect human health, including the health of "sensitive" populations such as asthmatics, children, and the elderly, within an adequate margin of safety. Secondary standards are designed to protect public welfare, including protection against decreased visibility and damage to animals, crops, vegetation, and buildings.

The primary legislation that governs federal air quality regulations is the Clean Air Act Amendments of 1990. These amendments delegate primary responsibility for clean air to the EPA. The EPA develops rules and regulations to preserve and improve air quality, as well as delegating specific responsibilities to state and local agencies.

Areas that do not meet the federal ambient air quality standards shown in Table 1.6-1 are called nonattainment areas. For these nonattainment areas, the CAA requires states to develop and adopt State Implementation Plans (SIPs), which are air quality plans showing how air quality standards will be attained. The SIP, which is reviewed and approved by the EPA, must demonstrate how the federal standards will be achieved. Failing to submit a plan or secure approval could lead to denial of federal funding and permits for such improvements as highway construction and sewage treatment plants. In California, the EPA has delegated authority to prepare SIPs to the ARB, which, in turn, has delegated that authority to individual air districts. In cases where the SIP is submitted by the state but fails to demonstrate achievement of the standards, the EPA is directed to prepare a federal implementation plan.

STATE

Responsibility for achieving California's air quality standards, which are more stringent than federal standards, is placed on the CARB and local air districts, and is to be achieved through district-level air quality management plans that will be incorporated into the SIP. In California, the EPA has delegated authority to prepare SIPs to the CARB, which in turn has delegated that authority to individual air districts.

The CARB has traditionally established state air quality standards, maintaining over-sight authority in air quality planning, developing programs for reducing emissions from motor vehicles, developing air emission inventories, collecting air quality and meteorological data, and approving SIPs.

Responsibilities of air districts include overseeing stationary source emissions, approving permits, maintaining emissions inventories, maintaining air quality stations, overseeing agricultural burning permits, and reviewing air quality–related sections of environmental documents required by the California Environmental Quality Act (CEQA).

The CCAA of 1988 substantially added to the authority and responsibilities of air districts. The CCAA designates air districts as lead air quality planning agencies, requires air districts to prepare air quality plans, and grants air districts authority to implement transportation

control measures. The CCAA focuses on attainment of the state ambient air quality standards, which, for certain pollutants and averaging periods, are more stringent than the comparable federal standards.

The CCAA requires designation of attainment and nonattainment areas with respect to state ambient air quality standards. The CCAA also requires that local and regional air districts expeditiously adopt and prepare an air quality attainment plan if the district violates state air quality standards for CO, SO2, NO2, or O3. These Clean Air Plans are specifically designed to attain these standards and must be designed to achieve an annual five percent reduction in district-wide emissions of each nonattainment pollutant or its precursors. Where an air district is unable to achieve a 5 percent annual reduction in district-wide emissions of each nonattainment pollutant or its precursors, the adoption of "all feasible measures" on an expeditious schedule is acceptable as an alternative strategy (Health and Safety Code Section 40914(b)(2)). No locally prepared attainment plans are required for areas that violate the state PM10 standards, but the CARB is currently addressing PM10 attainment issues.

The CCAA requires that the state air quality standards be met as expeditiously as practicable but, unlike the federal CAA, does not set precise attainment deadlines. Instead, the act established increasingly stringent requirements for areas that will require more time to achieve the standards.

The CCAA emphasizes the control of "indirect and area-wide sources" of air pollutant emissions. The CCAA gives local air pollution control districts explicit authority to regulate indirect sources of air pollution and to establish traffic control measures (TCMs). The CCAA does not define indirect and area-wide sources. However, Section 110 of the federal CAA defines an indirect source as: a facility, building, structure, installation, real property, road, or highway, which attracts, or may attract, mobile sources of pollution. Such term includes parking lots, parking garages, and other facilities subject to any measure for management of parking supply.

TCMs are defined in the CCAA as "any strategy to reduce trips, vehicle use, vehicle miles traveled, vehicle idling, or traffic congestion for the purpose of reducing vehicle emissions."

The ARB's Air Quality and Land Use Handbook: A Community Health Perspective (2005) provides ARB recommendations for the siting of new sensitive land uses (including residences) near freeways, distribution centers, ports, refineries, chrome plating facilities, dry cleaners, and gasoline stations. The handbook recommends that new development be placed at certain distances from such facilities.

LOCAL

Placer County Air Pollution Control District (PCAPCD)

PCAPCD is responsible for local air quality regulation. Its primary responsibility is to regulate stationary sources and develop plans to achieve and maintain air quality standards. The CARB and EPA have jurisdiction over controlling emissions from mobile sources.

Until the passage of the CCAA, the air districts' primary role was the control of stationary sources of pollution such as industrial processes and equipment that stayed within the districts' jurisdictional boundaries. With the passage of the CCAA and CAAA, air districts were additionally required to implement transportation control measures such as employer-based trip reduction programs. They were also encouraged to adopt indirect source control programs to reduce mobile source emissions. These mandates created the necessity for SJVAPCD to work closely with cities and counties and with regional transportation planning agencies to develop new programs.

To protect public health, PCAPCD has adopted plans to achieve ambient air quality standards. The District must continuously monitor its progress for plan implementation and must report this effort regularly to CARB and the EPA. It must also periodically revise its attainment plans to reflect new conditions and requirements. The District tries to exercise a uniform emission control effort that will bring the entire region into compliance with State and federal standards as quickly as possible.

Air Quality Plans

PCAPCD has adopted several attainment plans in an attempt to achieve State and federal air quality standards. The District must continuously monitor its progress in implementing attainment plans and must periodically report to the CARB and the EPA. It must also periodically revise its attainment plans to reflect new conditions and requirements in accordance with schedules mandated by the CCAA and CAAA.

Greenhouse Gases

The regulation of greenhouse gas is changing constantly as nations, and the US federal, State, and local governments work to determine strategies that will work to systematically reduce GHG emissions and the impacts of climate change. The following is a list of the regulations that apply to or may impact local planning efforts.

FEDERAL AND INTERNATIONAL

Section 202 GHG Regulation of Cars and Light Duty Trucks

The final Clean Cars rule was signed on April 1, 2010 and will become effective 60 days after its publication in the Federal Register. This rule was proposed jointly by EPA and the National Highway Traffic Safety Administration (NHTSA) to create a National Program of GHG emission standards and Corporate Average Fuel Economy (CAFE) standards. The standards apply to passenger cars, light-duty trucks, and medium-duty passenger vehicles, covering model years 2012 through 2016. The standards will require these vehicles to meet an estimated combined average emissions level of 250 grams of CO2 per mile in model year 2016 under EPA's GHG program, and 34.1 mpg in model year 2016 under NHTSA's CAFE program. The goal is to reduce CO2 emissions by 960 million metric tons and save 1.8 billion barrels of oil over the lifetime of the vehicles sold in model years 2012 through 2016.

Renewable Fuel Standard Program and Energy Independence and Security Act of 2007

On February 3, 2010, the Renewable Fuel Standard (RFS) program was changed, as required by the Energy Independence and Security Act (EISA) of 2007. The revised statutory requirements increases the amount of renewable fuels, such as cellulosic biofuel and biomass-based diesel, that must be blended in transportation fuel (gasoline and diesel) each year from 9 billion gallons in 2008 to 36 billion gallons in 2022. EISA also established new categories of renewable fuel, and set separate volume requirements for each one and requires EPA to apply lifecycle greenhouse gas performance threshold standards to ensure that each category of renewable fuel emits fewer greenhouse gases than the petroleum fuel it replaces.

EISA also tightens the Corporate Average Fuel Economy (CAFE) standards that regulate the average fuel economy in the vehicles produced by each major automaker. The current CAFE standard for cars, set in 1984, requires manufacturers to achieve an average of 27.5 miles per gallon, while a new standard for light trucks and heavier SUVs was adopted in 2006 that would require new vehicles to achieve 24 mpg by 2011 (this standard was later challenged in court). This energy bill requires that these standards be increased such that, by 2020, the new cars and light trucks sold each year deliver a combined fleet average of 35 miles per gallon. (See Section 202 above)

STATE

California Global Warming Solutions Act of 2006 (AB 32)

In September 2006, Governor Arnold Schwarzenegger signed AB 32, the California Climate Solutions Act (Health and Safety Code Section 38500 et. seq.). The Act requires the reduction of statewide GHG emissions to 1990 levels by the year 2020. This change, which is equivalent to a 25 percent reduction from current emission levels, will be accomplished through an enforceable statewide cap on GHG emissions that will be phased in starting in 2012.

AB 32 also directs CARB to develop and implement regulations to reduce statewide GHG emissions from stationary sources and address GHG emissions from vehicles. CARB has stated that the regulatory requirements for stationary sources will be first applied to electricity power generation and utilities, petrochemical refining, cement manufacturing, and industrial/commercial combustion. The second group of target industries will include oil and gas production/distribution, transportation, landfills and other GHG-intensive industrial processes.

Senate Bill 1368 (Chapter 598, Statutes of 2006)

Senate Bill (SB) 1368, signed by Governor Schwarzenegger in September 2006, required the California Public Utilities Commission (PUC) to establish a GHG emissions performance standard for "baseload" generation from investor-owned utilities by February 1, 2007. The California Energy Commission (CEC) was required to establish a similar standard for local publicly-owned utilities by June 30, 2007. The legislation further required that all electricity provided to California, including imported electricity, must be generated from plants that meet or exceed the standards set by the PUC and the CEC. In January 2007, the PUC adopted an interim performance standard for new long-term commitments (1,100 pounds of CO2 per

megawatt-hour), and in May 2007, the CEC approved regulations that match the PUC standard.

Senate Bill 375 (Chapter 728, Statutes of 2008)

Enacted in 2008, Senate Bill (SB) 375 links transportation and land use planning with the CEQA process to help achieve the GHG emission reduction targets set by California. Regional transportation planning agencies are required to include a Sustainable Communities Strategy (SCS) in regional transportation plans. The SCS must contain a planned growth scenario that is integrated with the transportation network and policies in such a way that it is feasible to achieve AB 32 goals on a regional level. SB 375 also identifies new CEQA exemptions and streamlining for projects that are consistent with the SCS and qualify as Transportation Priority Projects (TPP). The 2012 RTP serves as the SCS for the Tahoe Region.

Executive Order (EO) S-13-08 (Gov. Schwarzenegger, November 2008)

On November 14, 2008, Governor Schwarzenegger issued Executive Order (EO) S-13-08 directing state agencies to plan for sea level rise and climate change impacts. There are four key actions in the EO including: (1) initiate California's first statewide climate change adaptation strategy that will assess the state's expected climate change impacts, identify where California is most vulnerable and recommend climate adaptation policies by early 2009; (2) request the National Academy of Science establish an expert panel to report on sea level rise impacts in California to inform state planning and development efforts; (3) issue interim guidance to state agencies for how to plan for sea level rise in designated coastal and floodplain areas for new projects; and (4) initiate a report on critical existing and planned infrastructure projects vulnerable to sea level rise.

Executive Order S-01-07 (Gov. Schwarzenegger, January 2007)

In January 2008, Governor Schwarzenegger established a Low-Carbon Fuel Standard by Executive Order. Executive Order S-01-07 calls for a statewide goal to be established to reduce the carbon intensity of California's transportation fuels by at least 10 percent by 2020 ("2020 Target"), and that a Low Carbon Fuel Standard ("LCFS") for transportation fuels be established for California. Further, it directs CARB to determine if an LCFS can be adopted as a discrete early action measure pursuant to AB 32, and if so, consider the adoption of a LCFS by June 30, 2007, pursuant to Health and Safety Code Section 38560.5. The LCFS applies to all refiners, blenders, producers or importers ("Providers") of transportation fuels in California, will be measured on a full fuels cycle basis, and may be met through market-based methods by which Providers exceeding the performance required by a LCFS shall receive credits that may be applied to future obligations or traded to Providers not meeting the LCFS.

In June 2007, CARB approved the LCFS as a Discrete Early Action item under AB 32. It is expected that the regulatory process at CARB to implement the new standard will be completed no later than December 2008.

Senate Bill 97 (Chapter 185, Statutes 2007)

Senate Bill (SB) 97 directs the Office of Planning and Research (OPR) to prepare, develop, and transmit to the California Resources Agency guidelines for feasible mitigation of GHG

emissions or the effects of GHG emissions, by July 1, 2009. The Resources Agency was to have certified and adopted amendments to the Guidelines implementing the California Environmental Quality Act ("CEQA Guidelines") on or before January 1, 2010. These new CEQA Guidelines will provide regulatory guidance on the analysis and mitigation of GHG emissions in CEQA documents. In the interim, the OPR offered informal guidance regarding steps lead agencies should take to address climate change in their CEQA documents. (Governor's Office of Planning and Research, 2008)

Executive Order S-3-05 (Gov. Schwarzenegger, June 2005)

The Governor of California signed Executive Order S-3-05 on June 1, 2005. The Order recognizes California's vulnerability to climate change, noting that increasing temperatures could potentially reduce snow pack in the Sierra Nevada, which is a primary source of the State's water supply. Additionally, according to this Order, climate change could influence human health, coastal habitats, microclimates, and agricultural yield. The Order set the greenhouse gas reduction targets for California: by 2010, reduce GHG emissions to 2000 levels; by 2020 reduce GHG emissions to 1990 levels; by 2050 reduce GHG emissions to 80 percent below 1990 levels.

Executive Order S-20-04 (Gov. Schwarzenegger, December 2004)

Executive Order S-20-04 commits the State to aggressive action to increase building energy efficiency, since it has been determined that commercial buildings use 36 percent of the state's electricity and account for a large percentage of greenhouse gas emissions, raw materials use and waste. In addition to requiring state-owned building to be retrofit to be more energy efficient, this EO requires the California Energy Commission to undertake all actions within its authority to increase efficiency by 20 percent by 2015, compared to Titles 20 and 24 non-residential standards adopted in 2003.

Assembly Bill 1493 (Chapter 200, Statutes 2002)

Assembly Bill 1493 (Pavley) amended Health and Safety Code sections 42823 and 43018.5 requiring the California Air Resources Board (CARB) to develop and adopt regulations that achieve maximum feasible and cost-effective reduction of GHG emissions from passenger vehicles, light-duty trucks, and other vehicles used for noncommercial personal transportation in California.

In September 2004, pursuant to this bill, the CARB approved regulations to reduce greenhouse gas emissions from new motor vehicles. Under the regulation, one manufacturer fleet average emission standard is established for passenger cars and the lightest trucks, and a separate manufacturer fleet average emission standard is established for heavier trucks. The regulation takes effect on January 1, 2006 and sets near-term emission standards, phased in from 2009 through 2012, and mid-term emission standards, phased in from 2013 through 2016. CARB calculates that the AB 1493 vehicle requirements would cumulatively produce 41 percent more GHG reductions by 2020 compared to the new federal CAFE standard in the Energy Independence and Security Act of 2007 (above). CARB has estimated that these regulations would reduce GHG emissions from these light-duty vehicles 18 percent by 2020 and 27 percent by 2030. (CARB, 2004) However, EPA has refused to grant a waiver that would allow

California to implement these standards, and California has challenged this action in federal court.

Senate Bill 1078 (Statutes of 2002)

Senate Bill 1078 established a Renewable Portfolio Standard, which requires electricity providers to increase purchases of renewable energy resources by 1 percent per year until they have attained a portfolio of 20 percent renewable resources.

Senate Bill 1771 (Statutes of 2000)

Senate Bill 1771 requires the California Energy Commission (CEC) to prepare an inventory of the state's greenhouse gas emissions, to study data on global climate change, and to provide government agencies and businesses with information on the costs and methods for reducing greenhouse gases. It also established the California Climate Action Registry to serve as a certifying agency for companies and local governments to quantify and register their greenhouse gas emissions for possible future trading systems.

Noise

TAHOE REGIONAL PLANNING AGENCY

The TRPA Regional Plan identifies the following goals in Land Use Element that pertain to noise: (1) single event noise standards shall be attained and maintained, and (2) community noise equivalent levels shall be attained and maintained.

Chapter 68, Noise Limitations of the Code of Ordinances establishes maximum allowable noise levels for single noise events including aircraft, watercraft, motor vehicles, motorcycles, off-road vehicles, and over-snow vehicles, as well as community noise levels. Plan area statements set forth community noise equivalent levels (CNELs) that shall not be exceeded by any one activity or combination of activities. Community noise levels are not to exceed levels existing in August 1982.

FEDERAL

Federal Noise Control Act of 1972

The federal Noise Control Act of 1972 (Public Law 92 574) established a requirement that all federal agencies administer their programs to promote an environment free of noise that would jeopardize public health or welfare. The U.S. Environmental Protection Agency (EPA) was given the responsibility for:

- Providing information to the public regarding identifiable effects of noise on public health and welfare,
- Publishing information on the levels of environmental noise that will protect the public health and welfare with an adequate margin of safety,
- Coordinating federal research and activities related to noise control, and

- Establishing federal noise emission standards for selected products distributed in interstate commerce.

The Noise Control Act also directed that all federal agencies comply with applicable federal, state, interstate and local noise control regulations.

Although the EPA was given major roles in disseminating information to the public and coordinating federal agencies, each federal agency retains authority to adopt noise regulations pertaining to agency programs. The EPA, however, can require other federal agencies to justify their noise regulations in terms of Noise Control Act policy requirements. The Occupational Safety and Health Administration retains primary authority for setting workplace noise exposure standards, the Federal Aviation Administration retains primary jurisdiction over aircraft noise standards, the Federal Highway Administration (FHWA) retains primary jurisdiction over highway noise standards, and the Federal Transit Administration (FTA) retains primary jurisdiction over transit noise standards.

In 1974, in response to the requirements of the Noise Control Act, the EPA identified indoor and outdoor noise limits to protect public health and welfare (e.g., communication disruption, sleep disturbance and hearing damage). Day-night average sound level (Ldn) limits of 55 decibels (dB) outdoors and 45 dB indoors are identified as desirable to protect against speech interference and sleep disturbance for residential, educational and healthcare areas. Sound-level criteria identified to protect against hearing damage in commercial and industrial areas are 24-hour equivalent sound level (Leq) values of 70 dB (both outdoors and indoors).

Federal Highway Administration

Title 23, part 772, of the Code of Federal Regulations "Procedures for Abatement of Highway Traffic Noise" provides procedures for conducting noise studies for highway projects and implementing noise abatement measures; supplies noise abatement criteria; and establishes requirements for information to be given to local officials for use in planning.

U.S. Department of Housing and Urban Development

The U.S. Department of Housing and Urban Development (HUD) has established guidelines for evaluating noise impacts on residential projects seeking financial support under various grant programs. These describe HUD policies and programs to protect citizens against excessive noise in their communities and places of residence; they apply to development projects with HUD involvement. HUD's goal is that the interior noise level in residences not exceed 45 dB Ldn, wiuth a normally acceptable exterior noise level of 65 dB Ldn.

Federal Transit Administration (FTA)

Federal Transit Administration procedures for the evaluation of noise from transit projects, specified in Transit Noise and Vibration Impact, define noise-sensitive land use categories and establish two levels of impact: "severe" and "impact." Noise mitigation normally will be specified for severe impact areas unless there is no practical method of mitigating the noise. In the "impact" range of noise impacts, other project-specific factors must be considered to determine the magnitude of the impact and the need for mitigation, including the increase compared with existing noise levels, the types and number of noise-sensitive land uses affect-

ed, existing outdoor-indoor sound insulation, and the cost-effectiveness of mitigating noise to more acceptable levels.

STATE

California Noise Insulation Standards

Part 2 Title 24 of the California Code of Regulations (CCR) "California Noise Insulation Standards" establishes minimum noise insulation standards to protect persons within new hotels, motels, dormitories, long-term care facilities, apartment houses and dwellings other than single-family residences. Under this regulation, interior noise levels attributable to exterior noise sources cannot exceed 45 Ldn in any habitable room. Where such residences are located in an environment where exterior noise is 60 Ldn or greater, an acoustical analysis is required to ensure that interior levels do not exceed the 45 Ldn interior standard.