

## **APPENDIX C**

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**LAWS, REGULATIONS, ORDINANCES, AND POLICIES**

## LAWS, REGULATIONS, ORDINANCES, AND POLICIES

The table below lists a wide range of requirements that must be met for compliance with laws, ordinances, regulations, and policies imposed by federal, state, and local entities with authority over park developments or resources that may be affected by park actions.

Regulatory Issue	Jurisdiction	Citation	Administering Agency	Requirements/Compliance
Biological Resources	Federal	Endangered Species Act of 1973, as amended; 16 USC § 1531 et seq.; 50 CFR parts 17 and 222	U.S. Fish and Wildlife Service (USFWS); National Marine Fisheries Service	Protect and manage federally-listed species
	Federal	Migratory Bird Treaty Act	USFWS	Protect migratory birds and their nests
	Federal	Clean Water Act of 1977; 33 USC § 1344; 30 CFR § 330.5(a)(26)	U.S. Army Corps of Engineers	Regulates discharge of fill material into wetlands and other waters of the U.S., including streams, ponds, vernal pools and springs.
Water Quality	State	California Species Preservation Act of 1970; California Wildlife Preservation Act of 1990; California Fish and Game Code §§ 900 – 903	California Department of Fish and Game (CDFG)	Protect and enhance the birds, mammals, fish, amphibians, and reptiles of California
	State	Native Plant Protection Act of 1977	CDFG	Protect rare and endangered plants
	State	California Endangered Species Act of 1984, California Fish and Game Code §§ 2050 - 2098	CDFG	Protect state-listed plants and animals
Water Quality	State	California Fish and Game Code §§ 3511, 4700, 5050, and 5515	CDFG	Prohibits taking fully-protected birds, mammals, reptiles, amphibians, or fishes
	Local	Santa Clara County General Plan, Resource Conservation Element	Santa Clara County Planning Commission	Comply with requirements to protect habitat and biodiversity
Water Quality	Federal	Clean Water Act § 402; 33 USC § 1342; 40 CFR parts 122 – 136	RWQCB, EPA Region IX	As necessary, obtain NPDES permits for stormwater discharge and prepare SWPPPs for construction projects

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	Federal	Clean Water Act § 311; 33 USC § 1321; 40 CFR parts 110, 112, 116, and 117	RWQCB, EPA Region IX, and California Office of Emergency Services	Report any prohibited discharge of oil or hazardous substances
	State	California Water Code § 13271 – 13272; 23 CCR 2250 – 2260	RWQCB and California Office of Emergency Services	Report releases of reportable quantities of hazardous substances or sewage and releases of specified quantities of oil or petroleum products
	State	Porter-Cologne Water Quality Control Act of 1972; California Water Code § 13260 – 13269; 23 CCR Chapter 9	CEQA lead agency, RWQCB and Water Resources Control Board	Provide adequate protection of water quality by appropriate design, sizing, and construction of erosion and sediment controls; meet waste discharge requirements concerning potential surface water pollution from runoff
	State/Local	California Public Resources Code § 25523(a); 20 CCR §§ 1752, 1752.5, 2300 – 2309, and Chapter 2 Subchapter 5, Article 1, Appendix B, Part (1)	CEQA Lead Agency	Provide information concerning proposed water resources and water quality protection
	Local	Santa Clara County General Plan, Resource Conservation Element	Santa Clara County Planning Commission	Comply with requirements to protect water quality
	Local		Santa Clara Valley Water District	Protection of domestic water supply
	Local		San Martin Water District	Protection of domestic water supply
Geology	State/Local	Alquist-Priolo Fault Zone Act	Santa Clara County	Meet requirements for protection from seismic and other geologic hazards
	State	Seismic Hazards Mapping Act	State Geologist	Requires geotechnical investigation and appropriate mitigation prior to issuance of local permits
	Local	California Code of Regulations (CCR), Title 24, Part 2 (a portion of the California Building Standards Code)	Santa Clara County Planning Department	Comply with requirements to mitigate for geologic hazards
Soil Conservation	Federal	Clean Water Act	RWQCB: Central Coast Region under the direction of the Water Resources Control Board	Meet discharge requirements relative to sediment

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	Federal	Soil Conservation Service <i>National Engineering Handbook</i> (1983)	Natural Resources Conservation Service	Implement standards for soil conservation
	State	California Public Resources Code § 25523(a); CCR §§ 1752, 1752.5, 2300 - 2309, and Chapter 2, Subchapter 5, Article 1, Appendix B, part (I)	CEQA lead agency	Submit information about potential environmental impacts
	State	Guidelines for Implementation of CEQA, Appendix G; 14 CCR § 15000-15387	CEQA lead agency	Evaluate erosion and sediment deposition; evaluate conversion of agricultural lands
	Local	Santa Clara County General Plan, Resource Conservation Element	Santa Clara County Planning Commission	Comply with requirements to prevent erosion
Cultural and Paleontological Resources	Federal	National Historic Preservation Act, as amended; 16 USC § 470 et seq. and § 106; 36 CFR 800	Lead Federal Agency and State Historic Preservation Office (SHPO); triggered when federal permits are issued, such as by the Corps for wetlands fill (Section 404)	Obtain formal finding by the lead Federal agency for cultural resources in consultation with the SHPO and the Advisory Council on Historic Preservation; implement procedures for dealing with cultural resources discovered during surface-disturbing activities
	State	California Environmental Quality Act (CEQA) § 15064.5; California Public Resources code § 5024, 5024.5, and 21083.2; Title 14 CCR § 15126	Lead State Agency	Directs the State Lead Agency to determine significance of project-related effects on important cultural resources and unique paleontological resources to develop appropriate mitigation measures
	State	California Public Resources Code § 21083.2	Lead State Agency	Directs the State Lead Agency to provide special consideration of unique historical, archaeological, and cultural sites as defined under CEQA
	State	California Health and Safety Code § 7050.5	County Coroner (Medical Examiner)	Determination of origin of human remains and coordination with NAHC
	State	California Public Resources Code § 5024.1	State Historical Resources Commission	Establishes the California Register of Historical Resources and procedures for nominating sites to the Register

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	Local	California Public Resources Code § 5097.5	Santa Clara County Planning Department	Prevent unauthorized removal of archaeological resources or paleontological remains on public lands
	Local	Santa Clara County General Plan, Heritage Resources Element	Santa Clara County Planning Commission	Comply with requirements to protect historical sites and structures, archaeological and paleontological sites and artifacts.
<b>Land Use</b>	State	CEQA Appendix G	State Lead Agency	Evaluate significance of conflicts adopted community plans or with established commercial, recreational, educational religious or scientific uses of the area; evaluate the significance of the project on prime agricultural land Adhere to land use policies
	Local	Santa Clara County General Plan, Land Use element	Santa Clara County Planning Commission	
<b>Aesthetic/Visual Resources</b>	State	CEQA Appendices G and I	State Lead Agency	Evaluate impacts using significance criteria
	Local	Santa Clara County General Plan Resource Conservation Element	Santa Clara County Planning Commission	Comply with policies regarding significant scenic resources.
<b>Noise</b>	State	CEQA Appendix G	State Lead Agency	Ensure that project activities do not substantially increase ambient noise in adjacent areas
	Local	Santa Clara County General Plan Resource Conservation Element	Santa Clara County Planning Commission	Comply with policies regarding noise.
<b>Air quality</b>	State/Local	CEQA Appendix G	State Lead Agency	Evaluate project compliance with ambient air quality standards, substantial contributions to an existing or projected air quality violation, or exposure of sensitive receptors to substantial pollutant concentrations
<b>Health and Safety</b>	State		California Department of Forestry	Provides wildland fire protection
	Local	Santa Clara County Building Code	Santa Clara County Planning Department	Comply with requirements to mitigate for geologic hazards

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Water Supply	Local		Santa Clara County Valley District	Maintain Coyote Lake for emergency water supply.
	Local		San Martin Water District	Maintain and develop local domestic water supply.
Transportation	Local		Santa Clara County	Obtain encroachment permits for work on public roads.