

## CHAPTER 5

### Regulatory Framework

# **Chapter 5 Regulatory Framework**

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This chapter describes the federal, state, and local statutes, regulations, policies, and other authorities that apply to the Upper North Fork Feather River Hydroelectric Project (UNFFR Project) and to the alternatives described in Chapter 4, Project Alternatives.

## **5.1 Federal**

### **5.1.1 Plumas and Lassen National Forests Land and Resource Management Plans**

National Forest System (NFS) lands within the UNFFR Project boundary are managed by the United States Forest Service (USFS) under the Plumas and Lassen National Forest Land and Resource Management Plans (LRMPs) (USFS 1988 and 1993). The LRMPs establish management goals and policies to direct management of NFS lands for a 10- to 15-year planning period and prescribe management practices for specific areas and schedules to achieve the goals and objectives. Applicable policies primarily emphasize resource conservation, provision of high-quality recreational opportunities, and protection of visual resources.

The 1988 Plumas National Forest LRMP applies to NFS lands around Butt Valley reservoir, along the North Fork Feather River between Canyon dam and Belden powerhouse, and along lower Butt Creek. NFS lands in the Plumas National Forest within the UNFFR Project boundary are in four management areas (MAs): North Fork (MA 19), Rich (MA 20), Butt Lake (MA 26), and Indian Valley (MA 27).

The 1993 Lassen National Forest LRMP applies to NFS lands managed along the southwest shore of Lake Almanor. These lands fall within one MA: Prattville (MA 38).

Specific land use policies for the MAs are provided in Chapter 6.2, Land Use. Management of the visual character of the UNFFR Project lands in the Plumas and Lassen National Forests will need to be consistent with the LRMPs, and special use permits may be required for activities on NFS lands outside the boundary of the UNFFR Project.

### **5.1.2 Sierra Nevada Forest Plan Amendment**

The USFS prepared the Sierra Nevada Forest Plan Amendment to amend the Plumas and Lassen National Forest LRMPs and nine other LRMPs for national forests in the Sierra Nevada and on the Modoc Plateau in California and parts of Nevada. The Sierra Nevada Forest Plan Amendment provides management guidance for sustaining old forest ecosystems; protecting and restoring aquatic, riparian, and meadow ecosystems; improving fire and fuels management; combating noxious weeds; and sustaining lower westside hardwood ecosystems (United States Forest Service 2004). Within and adjacent to the UNFFR Project boundary, four distinct land allocations are identified in the Sierra Nevada Forest Plan Amendment: Riparian Conservation Areas; General Forest; Old Forest Emphasis; and Urban Wildland Intermix Threat Zone. As amended, the Plumas and Lassen LRMPs contain specific management goals, strategies, and

standards and guidelines for each of the land allocations that are considered in the impact analyses in Chapter 6, Environmental Setting and Environmental Impacts.

### **5.1.3 Clean Water Act**

The Clean Water Act (CWA) was originally known as the Federal Water Pollution Control Act of 1972. It protects the surface water quality of the nation's waters through enforcement of water quality standards and permits for the discharge of pollutants into navigable waters. Section 303 of the CWA (33 U.S.C. § 1313) requires each state to adopt water quality standards for the protection of designated beneficial water uses within the state. To comply with Section 303 of the CWA and the requirements of the Porter-Cologne Water Quality Control Act (Wat. Code, § 13000 et seq.), the Central Valley Regional Water Quality Control Board (Regional Water Board) developed the *Water Quality Control Plan for the Sacramento and San Joaquin River Basins* (Basin Plan), which designates beneficial uses and establishes water quality standards for surface and ground waters in the Central Valley, including the Feather River and Lake Almanor. The Basin Plan is described in more detail in Chapter 2, State Water Board's Regulatory Responsibilities, and under "State of California" below.

Section 401 of the CWA (33 U.S.C. § 1341) requires applicants for federal permits to obtain water quality certification from the state if the proposed activity could result in a discharge into a navigable water body. These and other sections of the CWA are intended to achieve the broader goal of restoring and maintaining the chemical, physical, and biological integrity of the nation's waters. (33 U.S.C. § 1251.) Pursuant to Section 401 of the CWA, the State Water Resources Control Board (State Water Board) and the Regional Water Boards have regulatory authority for issuing water quality certifications in California. (Wat. Code, § 13160; Cal. Code of Regs., tit. 23, §§ 3830, 3855, 3859.) The State Water Board reviews and issues water quality certifications for projects that involve hydroelectric facilities licensed by the Federal Energy Regulatory Commission (FERC).

Discharge of dredged or fill material into waters of the United States, including jurisdictional wetlands, is regulated by the United States Army Corps of Engineers (Corps) under Section 404 of the CWA (33 U.S.C. § 1344). A series of Nationwide Permits has been approved for specific activities that would comply with the terms of the applicable permits and that would have a minimal impact on the environment. In California, the Corps may issue Letters of Permission to authorize certain fill activities that would have a minimal impact overall on the aquatic ecosystem, but that do not qualify for coverage under the adopted Nationwide Permits. For projects that do not meet the requirements of a Nationwide Permit or Letter of Permission, an Individual Permit is required. To comply with the Corps policy of no net loss of wetlands, discharges into wetlands must be avoided and minimized to the extent practicable. For unavoidable impacts, compensatory mitigation is required to replace the loss of wetland functions in a watershed. The alternatives described in Chapter 4, Project Alternatives, may require coverage under a CWA Section 404 permit for activities resulting in placement of fill material into Lake Almanor and Butt Valley reservoir.

### **5.1.4 Endangered Species Act**

The Endangered Species Act (ESA) of 1973, as amended, protects federally listed fish and wildlife species and their habitat. Section 9 of the ESA (16 U.S.C. § 1538) prohibits "take" of listed fish and wildlife species, except when the take has been authorized under Sections 7 (16 U.S.C. § 1536) or 10 (16 U.S.C. § 1539). Take of a species is defined as to "harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to engage in any such

conduct.” (16 U.S.C. § 1532(19).) Harm is defined as any act that actually kills or injures the species, including significant habitat modification that actually kills or injures the species by significantly impairing essential behavior patterns. (50 C.F.R. §§ 17.3, 222.102.) To a lesser degree than for fish and wildlife, Section 9 protects listed plants by making it illegal to collect or maliciously harm listed plants under federal jurisdiction or in non-federal areas in knowing violation of a state law. The National Marine Fisheries Service (NMFS) and United States Fish and Wildlife Service (USFWS) administer the ESA.

Sections 7 and 10(a) of the ESA provide methods for authorizing an otherwise lawful action that may result in take of a federally listed species. Federal agencies are required to consult with NMFS or USFWS under Section 7 to ensure that their actions do not jeopardize the continued existence of a listed species or affect designated critical habitat. For non-federal actions, Section 10(a) provides a pathway for incidental take authorization through preparation of a habitat conservation plan and issuance of an incidental take permit.

The USFWS issued a biological opinion for the UNFFR Project (letter dated January 25, 2005) in consultation with FERC on behalf of Pacific Gas and Electric Company (PG&E) to address potential take of the bald eagle and potential adverse effects on the valley elderberry longhorn beetle, the California red-legged frog, and slender Orcutt grass. The biological opinion stated that the proposed licensing of the UNFFR Project and the cumulative effects of the UNFFR Project along with other past, present, and reasonably foreseeable future projects in the North Fork Feather River watershed are not likely to jeopardize the continued existence of the bald eagle. Since the issuance of the biological opinion, the bald eagle has been removed from the federal list of threatened and endangered species. In its biological opinion, the USFWS also concluded that the UNFFR Project is not likely to adversely affect the valley elderberry longhorn beetle or California red-legged frog and would have no effect on slender Orcutt grass.

As part of UNFFR Project operations under the new license, PG&E will implement an interagency bald eagle management plan, a vegetation monitoring plan that includes protection and management of valley elderberry longhorn beetle habitat, and an amphibian monitoring plan to further ensure that UNFFR Project operations and related activities will not adversely affect the eagle, federally listed valley elderberry longhorn beetle, or special-status amphibians. Further consultation under the ESA may be warranted if adverse impacts on federally listed species are anticipated as a result of the alternatives described in Chapter 4, Project Alternatives.

Because anadromous fish do not currently inhabit the UNFFR Project area, FERC concluded that consultation with NMFS was not warranted at the time it prepared its *Final Environmental Impact Statement for the Upper North Fork Feather River Project* (FERC 2005).

### 5.1.5 Migratory Bird Treaty Act

The Migratory Bird Treaty Act of 1918 enacts the provisions of treaties between the United States, Great Britain, Mexico, Japan, and the Soviet Union and authorizes the United States Secretary of the Interior to protect and regulate the taking of migratory birds. The act establishes seasons and bag limits for hunted species and protects migratory birds, their occupied nests, and their eggs. The act makes it unlawful to take, possess, buy, sell, purchase, or barter any migratory bird listed in title 50, Code of Federal Regulations (CFR), section 10.13, including feathers or other parts, nests, eggs, or products, except as allowed by implementing regulations (50 CFR part 21). Mitigation measures may be required for construction activities

associated with the UNFFR Project to avoid or reduce adverse impacts on nesting or breeding migratory birds.

### **5.1.6 Bald and Golden Eagle Protection Act**

The Bald and Golden Eagle Protection Act, originally passed in 1940, provides for the protection of the bald eagle and the golden eagle (as amended in 1962) by imposing criminal penalties on persons who “take, possess, sell, purchase, barter, offer to sell, purchase or barter, transport, export or import, at any time or any manner, any bald eagle ... [or any golden eagle], alive or dead, or any part, nest, or egg thereof ....” “Take” includes to “pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, destroy, molest, or disturb.” (16 U.S.C. § 668(a).) The USFWS recently established a new permit program under this act to improve the management of bald and golden eagles. Permits may be issued to protect public safety and to manage activities or projects that may disturb or otherwise incidentally “take” bald or golden eagles or their nests, while maintaining stable or increasing populations. UNFFR Project compliance with this act may require issuance of a permit for activities that could adversely affect bald or golden eagles.

### **5.1.7 National Forest Management Act**

The National Forest Management Act requires the USFS to develop LRMPs that “provide for a diversity of plant and animal communities” (16 U.S.C. 1604(g)(3)(B)) as part of its multiple use mandate. The USFS must develop plans that, among other things, provide for the maintenance of viable populations of existing native and desired non-native species in the planning area. (36 C.F.R. § 219.9.) The Sensitive Species program is designed to meet this mandate and to demonstrate the USFS’ commitment to maintaining biodiversity on NFS lands. Activities on NFS lands must be designed to avoid or minimize adverse effects on USFS sensitive species.

### **5.1.8 National Historic Preservation Act**

The National Historic Preservation Act of 1966, as amended, is the primary federal legislation that provides direction to federal agencies concerning management of historic properties. Section 106 (16 U.S.C. § 470(f)) requires federal agencies to identify and assess the effects of their actions on historic properties. Historic properties are districts, sites, buildings, structures, traditional cultural properties, and objects significant in American history, architecture, engineering, and culture that are eligible for inclusion in the National Register of Historic Places (NRHP). The criteria for National Register eligibility are outlined in 36 CFR section 60.4. The responsible federal agency must consult with appropriate state and local officials, Indian tribes, the applicant, and members of the public if its actions would affect a historic property, and it must consider their views and concerns about historic preservation issues when making final project decisions. (36 C.F.R. §§ 800.2, 800.5.)

FERC’s action to issue a new license for the UNFFR Project is considered an undertaking under Section 106. To meet the requirements of Section 106, FERC will execute a Programmatic Agreement for the protection of historic properties to minimize or avoid the effects of the continued operation of the UNFFR Project. The terms of the Programmatic Agreement would ensure that PG&E addresses and protects all historic properties identified within the UNFFR Project boundary in a historic properties management plan (HPMP). The HPMP would involve ongoing consultation as needed for the license term.

### 5.1.9 Clean Air Act

The federal Clean Air Act requires the establishment of standards to protect the general public from exposure to airborne pollutants that are known to be hazardous to human health. It requires the United States Environmental Protection Agency (USEPA) to set national ambient air quality standards (NAAQS) to protect public health and welfare. NAAQS have been established for the following “criteria” air pollutants: ozone, carbon monoxide, nitrogen dioxide, sulfur dioxide, suspended particulate matter ( $PM_{10}$  and  $PM_{2.5}$ ), and lead. Federal standards are identified below under the California Clean Air Act discussion for comparison with the state standards. Pursuant to the 1990 Clean Air Act amendments, USEPA has classified air basins (or portions thereof) as either in “attainment” or “non-attainment” for each criteria air pollutant, based on whether or not the NAAQS have been achieved. For areas that do not meet the NAAQS, the State, through its local air quality districts, is required to prepare air quality plans to attain the standards. Plumas County is in attainment or is unclassified for all national criteria pollutants.

## 5.2 State of California

### 5.2.1 Water Quality Control Plan for the Sacramento River and San Joaquin River Basins

The Regional Water Boards adopt and implement water quality control plans (basin plans) that recognize the unique characteristics of each region with regard to: natural water quality; past, present, and reasonably foreseeable beneficial uses; and water quality problems. Basin plans are effective upon approval by the State Water Board. The Basin Plan that covers the Sacramento and San Joaquin river basins is designed to preserve and enhance water quality and protect the beneficial uses of all regional waters, encompassing an area approximately one-fourth the size of the state. Specifically, the Basin Plan: (1) designates beneficial uses for surface water and groundwater; (2) sets narrative and numerical objectives that must be attained or maintained to protect beneficial uses; and (3) defines implementation programs that include specific prohibitions, action plans, and policies to achieve the water quality objectives.

The fourth edition of the Basin Plan was approved by the Central Valley Regional Water Board on September 15, 1998. The Basin Plan was revised in April 2010 and again in October 2011 to include amendments approved by the Regional Water Board and State Water Board (Central Valley Regional Water Quality Control Board 2011).

The Basin Plan designates a variety of beneficial uses for Lake Almanor and the North Fork Feather River, including water supply, power, recreation, cold freshwater habitat, and wildlife habitat (see Chapter 2, State Water Board’s Regulatory Responsibilities, of this EIR and Section 6.5, Water Quality, for additional details on the beneficial uses). As stated above, the Basin Plan also establishes the water quality objectives necessary to protect the designated beneficial uses.

### 5.2.2 California Endangered Species Act

Under the California Endangered Species Act (CESA), the California Department of Fish and Wildlife (CDFW; formerly known as the California Department of Fish and Game) is responsible for maintaining a list of endangered and threatened species. (Fish & G. Code, § 2070.) Pursuant to the requirements of CESA, any local or state agency reviewing a proposed project

in its jurisdiction must determine whether any species that are state listed as endangered or threatened may be present in the project study area and determine whether the proposed project will have a potentially significant impact on any of these species.

CESA prohibits “take” of state-listed species. (Fish & G. Code, § 2080.) CESA protects native species of fishes, amphibians, reptiles, birds, mammals, invertebrates, and plants, and their habitats, that are threatened with extinction or are experiencing a significant decline which, if not halted, would lead to a designation as threatened or endangered. Take is defined in section 86 of the Fish and Game Code as to “hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill.” Unlike the federal ESA, CESA does not include habitat modification as a form of take. CESA authorizes CDFW to issue incidental take permits for state-listed species if specific criteria are met. CESA emphasizes early consultation to avoid potential impacts to rare, endangered, and threatened species and to develop appropriate mitigation measures to offset project-related losses of protected species.

CDFW also maintains a list of “candidate species” and lists of “species of special concern.” Candidate species are species that CDFW formally notices as being under review for addition to the list of endangered or threatened species, and the list of species of special concern constitutes a species “watch list.” CDFW encourages informal consultation on any proposed project that may affect a candidate species.

Several state-listed and state species of special concern have the potential to occur in the UNFFR Project vicinity; these species are discussed in Chapter 6.7, Vegetation, Wildlife, and Sensitive Biological Resources.

### **5.2.3 Fish and Game Code**

The Fish and Game Code includes several provisions for the protection of waters of the State and the State’s plant, fish, and wildlife resources as well as their habitat. An overview of applicable provisions is provided in this section.

#### **Fully Protected Species**

Fish and Game Code Sections 3505, 3511, 4700, 5050, and 5515 provide “fully protected” status to a number of birds, mammals, reptiles, amphibians, and fish, none of which can lawfully be “taken,” even with an incidental take permit. None of the 10 fully protected fish species is present in the North Fork Feather River or its tributaries.

#### **Birds of Prey**

Under Section 3503.5 of the Fish and Game Code, it is unlawful to take, possess, or destroy any birds in the orders of Falconiformes or Strigiformes (birds of prey) or to take, possess, or destroy the nest or eggs of any such bird, except as otherwise provided by the Fish and Game Code or any regulation adopted pursuant thereto.

#### **Migratory Birds**

Fish and Game Code Section 3513 states that it is unlawful to take or possess any migratory nongame bird as designated in the Migratory Bird Treaty Act or any part of such migratory nongame bird except as provided by rules and regulations adopted by the United States Secretary of the Interior under provisions of the Migratory Bird Treaty Act.

## 5.2.4 Food and Agricultural Code

The State legislature has declared that “the destructive impact of invasive and often poisonous noxious weeds is profound, affecting California’s cropland, rangeland, forests, parks, and wildlands” and that “[t]hese pests cause enormous losses of private, state, and federal resources through decreased land productivity, degradation of wildlife habitat, and outright destruction of crops, livestock, wetlands, waterways, watersheds, and recreational areas.” (Food & Agr. Code, § 7220.) Section 7271 designates the California Department of Food and Agriculture (CDFA) as the lead department for noxious weed management and designates funding for implementation of integrated weed management plans, research, and education on noxious weeds.

CDFA rates invasive and noxious weeds using an action-oriented pest-rating system (Table 5-1). The rating prioritizes CDFA and county agricultural commissioner responses to an outbreak or problem with a species. The California Invasive Plant Council (Cal-IPC) has also developed a list of plant pests specific to California wildlands. The Cal-IPC list is based on information submitted by land managers, botanists, and researchers throughout the state and on published sources. CDFA and Cal-IPC list categories are described in Table 5-1.

**Table 5-1. CDFA and Cal-IPC Invasive and Noxious Weed Categories**

<b>CDFA LIST CATEGORIES</b>	
A	An organism of known economic importance subject to state (or commissioner when acting as a state agent) enforced action involving eradication, quarantine, containment, rejection, or other holding action.
B	An organism of known economic importance subject to eradication, containment, control, or other holding action at the discretion of the individual county agricultural commissioner; or an organism of known economic importance subject to state-required holding action and eradication only when found in a nursery.
C	An organism subject to no state enforced action outside of nurseries except to retard spread, at the discretion of the commissioner; or an organism subject to no state enforced action except to provide for pest cleanliness in nurseries.
Q	An organism or disorder requiring temporary "A" action pending determination of a permanent rating. The organism is suspected to be of economic importance, but its status is uncertain because of incomplete identification or inadequate information. In the case of an established infestation, at the discretion of the Assistant Director for Plant Industry, CDFA will conduct surveys and will convene the Division Pest Study Team to determine a permanent rating.
D	No action.
<b>CAL-IPC LIST CATEGORIES</b>	
High	These species have severe ecological impacts on physical processes, plant and animal communities, and vegetation structure. Their reproductive biology and other attributes are conducive to moderate to high rates of dispersal and establishment. Most are widely distributed ecologically.

**Table 5-1. CDFA and Cal-IPC Invasive and Noxious Weed Categories**

CDFA LIST CATEGORIES	
Moderate	These species have substantial and apparent—but generally not severe—ecological impacts on physical processes, plant and animal communities, and vegetation structure. Their reproductive biology and other attributes are conducive to moderate to high rates of dispersal, though establishment is generally dependent upon ecological disturbance. Ecological amplitude and distribution may range from limited to widespread.
Limited	These species are invasive but their ecological impacts are minor on a statewide level or there was not enough information to justify a higher score. Their reproductive biology and other attributes result in low to moderate rates of invasiveness. Ecological amplitude and distribution are generally limited, but these species may be locally persistent and problematic.

## 5.2.5 Public Resources Code (Historical Resources and Native American Artifacts)

California Public Resources Code sections 21083.2 and 21084.1 require public agencies to consider the effects of their actions on historical resources and unique archaeological resources. Historical resources are defined as any cultural resource listed in, or determined eligible for listing in, the California Register of Historical Resources (CRHR). (Pub. Resources Code, § 21084.1; CEQA Guidelines, § 15064.5, subd. (a).) The CRHR includes cultural resources listed, or formally determined eligible for listing, in the NRHP as well as some California State Landmarks and Points of Historical Interest. A unique archaeological resource is defined as an artifact, object, or site that meets the criteria for listing in Public Resources Code section 21083.2, subdivision (g).

Public Resources Code section 5097.9 protects sacred places, including Native American sanctified cemeteries, places of worship, religious or ceremonial sites, or sacred shrines located on public property. The Native American Heritage Commission is responsible for enforcing the code and maintaining an inventory of sacred places.

Each public agency has a responsibility to assess whether its actions will cause a substantial adverse change in the significance of a historical resource pursuant to Public Resources Code section 21084.1. CEQA Guidelines section 15064.5, subdivision (b)(1) defines a substantial adverse change in the significance of an historical resource as “physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historical resource would be materially impaired.”

CEQA Guidelines Section 15064.5, subdivision (b)(2), provides that the significance of a historical resource is “materially impaired” (for purposes of the definition of “substantial adverse change”) when a project:

- Demolishes or materially alters in an adverse manner those physical characteristics of an historical resource that convey its historical significance and that justify its inclusion in, or eligibility for, inclusion in the CRHR; or
- Demolishes or materially alters in an adverse manner those physical characteristics that account for its inclusion in a local register of historical resources pursuant to Section 5020.1(k) of the Public Resources Code or its

identification in an historical resources survey meeting the requirements of Section 5024.1(g) of the Public Resources Code, unless the public agency reviewing the effects of the project establishes by a preponderance of evidence that the resource is not historically or culturally significant; or

- Demolishes or materially alters in an adverse manner those physical characteristics of a historical resource that convey its historical significance and that justify its eligibility for inclusion in the CRHR as determined by a lead agency for purposes of CEQA.

If a project will adversely affect historical resources or unique archaeological resources, the lead agency is responsible for consulting with the Office of Historic Preservation to identify appropriate mitigation measures. Chapter 6.12, Cultural Resources, provides additional information on this topic.

## **5.2.6 Streets and Highway Code (Scenic Highways)**

Sections 260 to 284 of the Streets and Highway Code establish a system for designating state scenic highways and for managing the scenic highways for the protection and enhancement of California's natural scenic beauty. For designated scenic highways, a corridor protection program must be established and implemented by the local agency with jurisdiction over the roadway. The California Department of Transportation (Caltrans) oversees designation of scenic highways and implementation of the corridor protection program. Sections 263.1 through 263.8 of the Streets and Highway Code identify specific routes that make up the state scenic highway system (eligible and designated routes), which includes eligible segments of State Route (SR) 89 near the UNFFR Project. While eligible, segments of SR 89 near the UNFFR Project have not been formally designated, and Plumas County has not adopted a corridor protection program for it or other eligible scenic highways.

## **5.2.7 Streets and Highway Code (Encroachment Permit)**

Caltrans requires an encroachment permit for trucks and other project-related traffic to use SR 70 and SR 89 under certain circumstances. (See Streets & Highway Code, § 670.) If construction activities are proposed in a Caltrans right-of-way, an encroachment permit may be required. In addition, if UNFFR Project-related traffic could affect visibility, traffic patterns, or the flow of traffic on SR 70 or SR 89 in a negative manner, an encroachment permit may be required.

## **5.2.8 California Clean Air Act**

Similar to federal requirements, the 1988 California Clean Air Act specifies a program to attain the California ambient air quality standards (CAAQS). The California Air Resources Board (CARB), California's state air quality management agency, regulates mobile source emissions and oversees the activities of County Air Pollution Control Districts and regional Air Quality Management Districts. CARB regulates local air quality indirectly by establishing state ambient air quality standards and vehicle emission standards. The CAAQS are more stringent than the NAAQS for the criteria air pollutants. Table 5-2 summarizes the federal and state ambient standards.

**Table 5-2. Federal and State Ambient Air Quality Standards**

POLLUTANT	AVERAGING TIME	FEDERAL STANDARD (NAAQS)	STATE STANDARD (CAAQS)
Ozone	1-hour	--	0.09 ppm
	8-hour	0.075 ppm	0.070 ppm
Carbon monoxide	8-hour	9 ppm	9 ppm
	1-hour	35 ppm	20 ppm
Nitrogen dioxide	Annual arithmetic mean	0.053 ppm	0.030 ppm
	1-hour	--	0.18 ppm
Sulfur dioxide	Annual arithmetic mean	-	--
	24-hour	-	0.04 ppm
	1-hour	0.075 ppm	0.25 ppm
Fine particulate matter (PM <sub>2.5</sub> )	24-hour	35 µg/m <sup>3</sup>	--
	Annual arithmetic mean	15 µg/m <sup>3</sup>	12 µg/m <sup>3</sup>
Respirable particulate matter (PM <sub>10</sub> )	24-hour	150 µg/m <sup>3</sup>	50 µg/m <sup>3</sup>
	Annual arithmetic mean	--	20 µg/m <sup>3</sup>
Lead	30-day average	--	1.5 µg/m <sup>3</sup>
	Calendar quarter	1.5 µg/m <sup>3</sup>	--

Notes: ppm = parts per million; µg/m<sup>3</sup> = micrograms per cubic meter

Sources: USEPA 2010 and CARB 2009

## 5.2.9 Toxic Air Contaminant Program

California established a Toxic Air Contaminant Program in the 1980s through the Toxic Air Contaminant Identification and Control Act (Assembly Bill [AB] 1807 [Statutes 1983, Chapter 1047, Tanner]) to identify and control toxic air contaminants and reduce exposure. The Air Toxics “Hot Spots” Information and Assessment Act of 1987 (Health & Saf. Code, § 44300 et seq.) supplemented the Toxic Air Contaminant Program and required a statewide air toxics inventory, notification to people exposed to a significant health risk, and facility plans to reduce these risks. CARB has identified specific measures to regulate certain activities that produce stationary and mobile toxic air contaminants (codified in the California Code of Regulations). CARB also established a list of toxic air contaminants and a threshold exposure level for some contaminants, which is the minimum level of exposure to avoid significant adverse health effects.

## 5.2.10 California Global Warming Solutions Act of 2006

AB 32 (Statutes 2006, Chapter 488, Nunez), also known as the California Global Warming Solutions Act of 2006 (Health & Saf. Code, § 38500 et seq.) requires the State to reduce California’s greenhouse gas (GHG) emissions to 1990 levels by 2020. In response to this act, State agencies have attempted to reconcile CEQA’s requirements with AB 32’s implications regarding a project’s impact on climate change. Senate Bill 97 (Statutes 2007, Chapter 185, Dutton) amended the Public Resources Code by adding Section 21083.05, which requires the Governor’s Office of Planning and Research to prepare and submit guidelines to the Resources Agency for the mitigation of GHG emissions or their effects and to develop guidelines for the

analysis of GHG effects in CEQA documents. On January 8, 2009, the Office of Planning and Research released preliminary draft regulatory guidance on the analysis of and mitigation for the potential effects of GHG emissions under CEQA. The guidance consists of proposed amendments to the regulations governing CEQA (commonly known as the CEQA Guidelines). Amendments to the CEQA Guidelines were approved in late 2010. An analysis of GHG effects using the regulatory guidance provided by the Office of Planning and Research is provided in Chapter 6.16, Climate Change.

## 5.3 Local

### 5.3.1 Plumas County General Plan

The Plumas County General Plan, as amended, presents goals and policies for managing private lands in the county and serves as a basis for all decisions regarding land use (Plumas County 2013). The plan elements most relevant to the UNFFR Project are land use, open space, seismic safety, scenic highways, noise, safety, and conservation. The Plumas County General Plan addresses hydroelectric power generation under its constraints policies, and one of Plumas County's goals is to encourage the use of water for hydroelectric generation to meet the energy needs of Plumas County. Policies in the Plumas County General Plan are implemented through the Plumas County zoning ordinance, which regulates land use through the establishment of land use zones, parcel sizes, and placement of structures within Plumas County.

The Plumas County Code, originally adopted in 1973, also provides policies to protect the environment in Plumas County for the safety and welfare of the public. Compliance with the Plumas County General Plan and Plumas County Code is discussed in Chapter 6.2, Land Use and Mineral Resources.

### 5.3.2 Northern Sierra Air Quality Management District Rules

The Northern Sierra Air Quality Management District has established specific rules and regulations to protect air quality and public health and safety in the area over which it has jurisdiction. These rules apply to open burning, construction and operations emissions associated with stationary sources, and toxic air contaminants. Use of large stationary equipment for UNFFR Project construction activities may require a permit from the Northern Sierra Air Quality Management District.