

# Appendix E

## Overview of Various Laws and Regulations Affecting Humboldt Bay

### Land Use

- ✍ Federal Regulatory Role
- ✍ Sect 6217 Coastal Zone Act
- ✍ Reauthorization Amendments
- ✍ City of Eureka
- ✍ City of Arcata
- ✍ Humboldt County

### Wetlands

- ✍ Rivers and Harbors Act (RHA) of 1899 (USCOE)
- ✍ Sect 10 (prohibits unauthorized alteration)
- ✍ Sect 404 CWA (limited for a tool in habitat protection)
- ✍ Sect 9 RHA - dams & dikes across navigable H2o
- ✍ Sect 10 RHA - any obstruction or alteration of navigable waters
- ✍ Sect 404 CWA '72 - discharge of dredge or fill materials into US waters
- ✍ 401 CWA - state water quality certification requirements
- ✍ Sect 307 (c) - requires federal consistency with state CZM plans
- ✍ Coastal Zone Management Act '72
- ✍ Habitat Loss & Alteration (US Dept. of Commerce)
- ✍ Coastal Zone Management Act (CZMA) 1972, 1990
  - Preserve, protect, develop, restore, enhance nations coastal zone
- ✍ Federal consistency (15 CFR Part 930)

### Public Access

- ✍ Public Trust Doctrine

### Navigation & Water Dependent Activities

- ✍ COE Sect 404 CWA
- ✍ Water Resources Development Act (WRDA) 1996
- ✍ Sect 206

## **Parks & Recreation**

### **Public Health & Education**

- ✍ Shellfish Sanitation
- ✍ Dept. of Health (State, County)
- ✍ Dept of F & G
- ✍ NPDES

### **Water**

- ✍ Fed. 1948, 72, 77, 81, 87
- ✍ Sect 402 CWA
- ✍ Sect 208 & 303 (e) NPS
- ✍ Sect 303 (d) total max daily load
- ✍ Sect 312 no discharge zone
- ✍ Sect 320 NEP
- ✍ Sect 401 Dredge
- ✍ Sect 404 fed permit fill dredge

### **Clean Vessel Act 1992**

Administered USFWS

### **Air**

Clean Air Act

National emissions

### **Resource Conservation and Recovery Act (RCRA) 1976, 84**

Manage hazardous material

### **Superfund 1980**

Clean up

Superfund Amendments & Reauthorization Act

### **Spill Prevention & Control**

National Oil & Hazardous Substance Pollution

### **Contingency Plan (CWA Sect 311 (c)(2))**

Sect 105 Superfund Act

### **Solid Waste**

RCAA

## Snapshot of existing institutional framework for Humboldt Bay Regulatory and non-regulatory programs

### Habitat and Living Resources

- ✍ Land Use management (City of Arcata, Eureka) (County)
- ✍ Coastal Zone Management
- ✍ Wetlands Protection
- ✍ National Environmental Policy Act & State Related programs
- ✍ Fish & Shellfish Management
- ✍ Endangered & Threatened Species Programs
- ✍ Wildlife Refuges & Preserves

### Water Quality

- ✍ Clean Water Programs
- ✍ Clean Air, Solid Waste, Hazardous Waste
- ✍ Clean Vessel Program

### Human Activities & Competing Uses

- ✍ Public Access
- ✍ Public Health and Education
- ✍ Navigation and Water

### National Environmental Policy Act of 1969

-requires environmental impact statements for federal actions significantly affecting the quality of human activity.

### The Fish & Wildlife Act of 1956 & The Migratory Game Fish Act

-protects aquatic environment as it relates to fish and wildlife resources.

### The Fish & Wildlife Coordination Act

-requires equal consideration of fish and wildlife resources in water resource planning : authorizes fish and wildlife service consultation.

- Endangered Species Act** -protects federally listed endangered and threatened wildlife and their habitats.
- Migratory Bird Treaty Act** -protects migratory birds and nesting habitats
- Executive Orders 11988 & 11990** -protects wetlands and flood plains

**Federal Agency Coordination**

**National Environmental Policy Act (NEPA) 1970**

Three levels of analysis:

1. categorical exclusion determination
2. preparation of an environmental assessment/finding of no significant impact (EA/FONSI)
3. preparation of an environmental impact statement (EIS)

**Fish & Shellfish**

Magnuson Fishery Conservation and Management Act (MFCMA) Public Law 94-265 provides for the conservation and exclusive management of all fishery resources within the US Exclusive Economic Zone (EEZ) 3 nautical miles to 200 nm offshore Under MFCMA eight regional management councils are charged with preparing Fishery Management Plans (FMPs)

FMPs objectives:

1. reduce fishing mortality on a stock
2. increase yield from the fishery
3. promote compatible management regulations between territorial sea and the EEZ
4. minimize regulations to achieve the three management objectives recognized above

**National Marine Fisheries Service's Habitat Conservation Program (HCP)**

HCPs are a reflection of three considerations:

1. the pressures on the living marine resource habitats
2. the size of area managed
3. the commercial and recreational value of species

**Essential Fish Habitat EFH (1996)**

Direct action to stop or reverse the continued loss of fish habitats cooperation among NOAA fisheries, the Councils, fishing participants, federal & state agencies and others in achieving the essential fish habitat goals of habitat protection, conservation, and enhancement

**Endangered and Threatened Species**

The Endangered Species Act of 1973

USFWS authority to protect and conserve all forms of wildlife and plants that are threatened or endangered with extinction

NOAA fisheries similar authority for marine mammals under the Marine Mammals Protection Act of 1972 (MMPA) also the Cetacean and Turtle Assessment Program (CETAP) Section 7

**Wildlife Refuges and Preserves**

National Wildlife Refuge System

Teddy Roosevelt 1903 Pelican Island, Florida