



APPENDIX A

Applicable Laws and Executive Orders



Table A-1. Applicable Laws and Executive Orders ¹

Title, Citation	Summary
Archaeological and Historical Preservation Act, 16 U.S.C. 469	Protects and preserves historical and archaeological data. Requires Federal agencies to identify and recover data from archaeological sites threatened by a proposed action(s).
Clean Air Act, 42 U.S.C. 7401–7671q, as amended	Establishes Federal standards for air pollutants. Prevents significant deterioration in areas of the country where air quality fails to meet Federal standards.
Clean Water Act, 33 U.S.C. 1251–1387 (also known as the Federal Water Pollution Control Act)	Comprehensively restores and maintains the chemical, physical, and biological integrity of the nation's waters. Implemented and enforced by the U.S. Environmental Protection Agency (USEPA).
Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. 9601–9675 (also known as “Superfund”)	Provides for liability, compensation, cleanup, and emergency response for hazardous substances released into the environment and cleanup of inactive hazardous substances disposal sites. Establishes a fund financed by hazardous waste generators to support cleanup and response actions.
Endangered Species Act of 1973, 16 U.S.C. 1531–1543, as amended	Protects threatened, endangered, and candidate species of fish, wildlife, and plants and their designated critical habitats. Prohibits Federal action that jeopardizes the continued existence of endangered or threatened species. Requires consultation with U.S. Fish and Wildlife Service (USFWS) and National Oceanic and Atmospheric Administration (NOAA) Fisheries and a biological assessment when such species are present in an area affected by government activities.
Fish and Wildlife Coordination Act, 16 U.S.C. 661–667e, as amended	Authorizes the Secretaries of the Interior and Commerce to provide assistance to and cooperate with Federal and state agencies to protect, rear, stock, and increase the supply of game and fur-bearing animals, as well as to study the effects of domestic sewage, trade wastes, and other polluting substances on wildlife. The 1946 amendments require consultation with the USFWS and the state fish and wildlife agencies involving any waterbodies that are proposed or authorized, permitted, or licensed to be impounded, diverted, or otherwise controlled or modified by any agency under a Federal permit or license.
Migratory Bird Treaty Act, 16 U.S.C. 703–712	Implements various treaties for protecting migratory birds; the taking, killing, or possession of migratory birds is unlawful.

Title, Citation	Summary
National Environmental Policy Act of 1969, 42 U.S.C. 4321–4370e, as amended	Requires Federal agencies to use a systematic approach when assessing environmental impacts of government activities. Proposes an interdisciplinary approach in a decisionmaking process designed to identify unacceptable or unnecessary impacts to the environment.
National Historic Preservation Act, 16 U.S.C. 470–470x-6	Requires Federal agencies to consider the effect of any federally assisted undertaking or licensing on any district, site, building, structure, or object eligible for inclusion, or listed in the National Register of Historic Places (NRHP). Provides for the nomination, identification (through NRHP listing), and protection of significant historical and cultural properties.
Noise Control Act of 1972, 42 U.S.C. 4901–4918	Establishes a national policy to promote an environment free from noise that jeopardizes health and welfare. Authorizes the establishment of Federal noise emissions standards and provides relevant information to the public.
Occupational Safety and Health Act of 1970, 29 U.S.C. 651–678	Establishes standards to protect workers, including standards on industrial safety, noise, and health standards.
Resource Conservation and Recovery Act, 42 U.S.C. 6901–6992k	Establishes requirements for safely managing and disposing of solid and hazardous waste and underground storage tanks.
Executive Order (EO) 12372, <i>Intergovernmental Review of Federal Programs</i> , July 14, 1982, 47 FR 30959 (6/16/82), as supplemented	Requires Federal agencies to consult with state and local governments when proposed Federal financial assistance or direct Federal development impacts interstate metropolitan urban centers or other interstate areas.
EO 12898, <i>Environmental Justice</i> , February 11, 1994, 59 FR 7629 (2/16/94), as amended	Requires certain Federal agencies, to the greatest extent practicable permitted by law, to make environmental justice part of their missions by identifying and addressing disproportionately high and adverse health or environmental effects on minority and low-income populations.

Title, Citation	Summary
EO 13148, <i>Greening the Government Through Leadership in Environmental Management</i> , April 21, 2000, 65 FR 24595 (4/26/00)	Designates the head of each Federal agency to ensure that all necessary actions are taken to integrate environmental accountability into agency day-to-day decision making and long-term planning processes, across all agency missions, activities, and functions. Establishes goals for environmental management, environmental compliance, right-to-know (informing the public and their workers of possible sources of pollution resulting from facility operations) and pollution prevention, and similar matters.
EO 13175, <i>Consultation and Coordination with Indian Tribal Governments</i> , November 6, 2000, 65 FR 67249 (11/09/00)	Requires Federal agencies to establish an accountable process that ensures meaningful and timely input from tribal officials in developing policies that have tribal implications.
EO 13186, <i>Responsibilities of Federal Agencies to Protect Migratory Birds</i> , January 10, 2001, 66 FR 3853 (1/17/01)	Requires each agency to ensure that environmental analyses of Federal actions (required by the National Environmental Policy Act or other established environmental review processes) evaluate the effects of actions and agency plans on migratory birds, emphasizing species of concern. Agencies must support the conservation intent of migratory bird conventions by integrating bird conservation principles, measures, and practices into agency activities, and by avoiding or minimizing, to the extent practicable, adverse impacts on migratory bird resources when conducting agency actions.
EO 11593, <i>Protection and Enhancement of the Cultural Environment</i> , May 13, 1971, 36 FR 8921 (5/15/71)	Requires all Federal agencies to locate, identify, and record all cultural resources, including significant archeological, historical, or architectural sites.

Note: ¹ This table only reflects those laws and EOs that might reasonably be expected to apply to the Proposed Action and alternatives addressed in this EIS.

- 1 Other laws and Executive Orders potentially relevant to the construction,
- 2 maintenance, and operation of tactical infrastructure include, but are not limited
- 3 to, the following:
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 - American Indian Religious Freedom Act, 42 U.S.C. 1996, et seq.
- 5
 - Antiquities Act, 16 U.S.C. 433, et seq.; Archeological Resources
- 6
 - Protection Act, 16 U.S.C. 470 aa-II, et seq.
- 7
 - Architectural Barriers Act, 42 U.S.C. 4151, et seq.

- 1 • Community Environmental Response Facilitation Act, 42 U.S.C. 9620, et
2 seq.
- 3 • Department of Transportation Act, P.L. 89-670, 49 U.S.C. 303, Section
4 4(f), et seq.
- 5 • Emergency Planning and Community Right-to-Know Act, 42 U.S.C.
6 11001–11050, et seq.
- 7 • Environmental Quality Improvement Act, P.L. 98-581, 42 U.S.C. 4371, et
8 seq.
- 9 • Farmlands Protection Policy Act, P.L. 97-98, 7 U.S.C. 4201, et seq.
- 10 • Federal Insecticide, Fungicide, and Rodenticide Act, P.L. 86-139, 7 U.S.C.
11 135, et seq.
- 12 • Federal Records Act, 44 U.S.C. 2101-3324, et seq.
- 13 • Fish and Wildlife Act of 1956, P.L. 85-888, 16 U.S.C. 742, et seq.
- 14 • Flood Disaster Protection Act, 42 U.S.C. 4001, et seq.
- 15 • Native American Graves Protection and Repatriation Act, 25 U.S.C. 3001,
16 et seq.
- 17 • Pollution Prevention Act of 1990, 42 U.S.C. 13101-13109, et seq.
- 18 • Safe Drinking Water Act, P.L. 93-523, 42, U.S.C. 201, et seq.
- 19 • Toxic Substances Control Act, 7 U.S.C. 136, et seq.
- 20 • Wild and Scenic Rivers Act, P.L. 90-542, 16 U.S.C. 1271, et seq.
- 21 • EO 12114, dated January 9, 1979, Environmental Effects Abroad of Major
22 Federal Actions, 44 FR 1957
- 23 • EO 12088, dated October 13, 1978, *Federal Compliance with Pollution*
24 *Control Standards*, 43 FR 47707, as amended by EO 12580, dated
25 January 23, 1987, and revoked (in part) by EO 13148, dated April 21,
26 2000
- 27 • EO 13132, dated August 4, 1999, *Federalism*, 64 FR 43255
- 28 • EO 11988, dated May 24, 1977, *Floodplain Management and Protection*,
29 42 FR 26951, as amended by EO 12148, dated July 20, 1979, 44 FR
30 43239
- 31 • EO 13007, dated May 24, 1996, *Historic Sites Act*, 16 U.S.C. 46, et seq.;
32 Indian Sacred Sites, 61 FR 26771
- 33 • EO 12372, dated July 14, 1982, *Intergovernmental Review of Federal*
34 *Programs*, 47 FR 30959, as amended by EO 12416, April 8, 1983, 48 FR
35 15587; supplemented by EO 13132, August 4, 1999, 64 FR 43255
- 36 • EO 13112, dated February 3, 1999, *Invasive Species*, 64 FR 6183, as
37 amended by EO 13286, February 28, 2003, 68 FR 10619

- 1 • EO 11514, dated March 5, 1970, *Protection and Enhancement of*
2 *Environmental Quality*, 35 FR 4247, as amended by EO 11541, July
3 1,1970, 35 FR 10737 and EO 11991, May 24, 1977, 42 FR 26967
- 4 • EO 13045, dated April 21, 1997, *Protection of Children from*
5 *Environmental Health and Safety Risks*, 62 FR 19885, as amended by EO
6 13229, October 9, 2001, 66 FR 52013 and EO 13296, April 18, 2003, 68
7 FR 19931
- 8 • EO 11990, dated May 24, 1977, *Protection of Wetlands*, 42 FR 26961, as
9 amended by EO 12608, September 9, 1987, 52 FR 34617

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