

APPENDIX C
LAWS AND REGULATIONS

RELEVANT AND PERTINENT LAWS, REGULATIONS, AND POLICIES

This Environmental Impact Statement was prepared with consideration and compliance of relevant and pertinent environmental laws, regulations, and policies. This section includes federal executive orders and laws; Department of Defense (DoD) directives and instructions; Air Force instructions and policy directives; and Florida state statutes and administrative codes. This list has been compiled and limited to include the most relevant laws, regulations, and policies that are pertinent to the specific alternatives described in this document.

GENERAL

National Environmental Policy Act (NEPA) of 1969 (Public Law 91-190, 42 U.S.C 4347 et seq, as amended); Requires that federal agencies (1) consider the consequences of an action on the environment before taking the action and (2) involve the public in the decision making process for major Federal actions that significantly affect the quality of the human environment. The intent of NEPA is to protect, restore, or enhance the environment through well-informed federal decisions. The Council on Environmental Quality (CEQ) was established under NEPA to implement and oversee federal policy in this process.

National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106, 110 St, 186 Section 2801); Military Housing Privatization Initiative (MPHI): allows DoD to work with the private sector to build and renovate military housing.

42 USC 4321 et seq; 40 CFR 1500-1508; 1-July-88; Council on Environmental Quality (CEQ) Regulations for Implementing the Procedural Provisions of NEPA; Provides regulations applicable to and binding all federal agencies for implementing the procedural provisions of the National Environmental Policy Act of 1969 (NEPA).

Executive Order 12372; 14-Jul-82; Intergovernmental Review of Federal Programs; Directs federal agencies to “make efforts to accommodate state and local elected officials’ concerns with proposed ... direct federal development.” It further states, “for those cases where the concerns cannot be accommodated, federal officials shall explain the basis for their decision in a timely manner.” The executive order requires federal agencies to provide state and local officials the opportunity to comment on actions that could affect their jurisdictions, using state-established consultation processes when possible.

Executive Order 12856; 3-Aug-93; Right to Know Laws and Pollution Prevention Requirements; Directs all Federal agencies to reduce and report toxic chemicals entering any wastestream; improve emergency planning, response, and accident notification;

and encourage clean technologies and testing of innovative prevention technologies. The executive order also provides that federal agencies are persons for purposes of The Emergency Planning and Community Right-to-Know Act (SARA Title III), which obliges agencies to meet the requirements of the Act.

Executive Order 12898; 11-Feb-94; Environmental Justice; Directs federal agencies to achieve environmental justice by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations in the United States and its territories and possessions. The order creates an Interagency Working Group on Environmental Justice and directs each Federal agency to develop strategies within prescribed time limits to identify and address environmental justice concerns. The order further directs each Federal agency to collect, maintain, and analyze information on the race, national origin, income level, and other readily accessible and appropriate information for areas surrounding facilities or sites expected to have a substantial environmental, human health, or economic effect on the surrounding populations, when facilities or sites become the subject of a substantial Federal environmental administrative or judicial action and to make such information publicly available.

Air Force Policy Directive 32-70; 20-Jul-94; Environmental Quality; Develops and implements the Air Force Environmental Quality Program.

Air Force Instruction 32-7045; 1-Jul-98; Environmental Compliance and Assessment; Implements AFPD 32-70 by providing for an annual internal self-evaluation and program management system to ensure compliance with Federal, State, local, DoD, and Air Force environmental laws and regulations.

Air Force Instruction 32-7061; 24-Jan-95; The Environmental Impact Analysis Process; This Instruction provides a framework for how the Air Force is to comply with NEPA and the CEQ regulations.

Air Force Instruction 32-7062; 1-Oct-97; Air Force Comprehensive Planning; Implements AFPD 32-70 by establishing Air Force Comprehensive Planning Program for development of Air Force Installations, ensuring that natural, cultural, environmental, and social science factors are considered in planning and decision making.

Florida Administrative Code Chap. 62-4; Permits; establishes permitting criteria for air, ground water, waste management, and water quality.

Florida Administrative Code Chap. 62-12; Dredge and Fill Permits; Establishes permitting criteria for construction activities.

PHYSICAL RESOURCES

--- Air Quality

Clean Air Act, 42 USC 7401 et seq.; 40 CFR Parts 50 & 51; Dictates that the National Ambient Air Quality Standards (NAAQS) must be maintained nationwide. The Act delegates authority to state and local agencies to enforce NAAQS and to establish air quality standards and regulations of their own. The adopted state standards and regulations must be at least as restrictive as the federal requirements. The Florida Department of Environmental Protection (FDEP) has the authority to regulate air pollution sources within Florida. Stationary sources must be permitted. Although mobile sources such as aircraft are exempt from air pollution permitting requirements, the operation of these sources must comply with state and federal regulations and the ambient air quality standards

Air Force Instruction 32-7040; 9-May-94; Air Quality Compliance; This AFI sets forth actions for bases to implement to achieve and maintain compliance with applicable standards for air quality compliance, and responsibilities for who is to implement them. Includes requirements for NEPA and RCRA as well as CAA.

Florida Statutes Chap. 403, Part I; 1996; Florida Air and Water Pollution Control Act; Regulates air pollution within the state.

Florida Administrative Code Chap. 62-25; Stormwater Discharge; regulates the discharge of stormwater to prevent pollution to waters of the state.

Florida Administrative Code Chap. 62-204; 1996; Florida State Implementation Plan, with Ambient Air Quality Standards and PSD Program; Establishes state air quality standards and requirements for maintaining compliance with NAAQS.

Florida Administrative Code Chap. 62-210; Stationary Sources (General Requirements); establishes general requirements for stationary sources of air pollutant emissions. This chapter provides criteria for determining the need to obtain an air construction or operation permit.

Florida Administrative Code Chap. 62-213; 1996; Operation Permits for Major Sources of Air Pollution; Adopted Prevention of Significant Deterioration (PSD) permit program, designed to control the impact of economic growth on areas that are already in attainment.

Florida Administrative Code Chap. 62-242; Motor Vehicle Emissions Standards and Test Procedures; provides the Department of Highway Safety and Motor Vehicles with the necessary rules, standards, and criteria to administer the Florida Motor Vehicle Inspection Program.

Florida Administrative Code Chap. 62-296; Stationary Sources (Emission Standards); establishes emission limiting standards and compliance requirements for stationary sources of air pollution. The chapter includes emission limitations for specific categories of facilities and emissions units, and it establishes reasonably available control technology requirements.

Florida Administrative Code Chap. 62-297; Stationary Sources (Emission Monitoring); establishes test procedures that shall be used to determine the compliance of air pollutant emissions units with emission limiting standards specified in or established pursuant to any of the stationary source rules of FDEP.

--- Air Space Use

49 USC 106 & Subtitle VII, (Pub. L. 85-726, as amended); 1997-Supp; Federal Aviation Act of 1958 (FAA); Created the FAA and gives the Federal Aviation Administration (FAA) sole responsibility for the safe and efficient management of all airspace within the continental United States, a responsibility that must be executed in a manner that meets the needs of all airspace users, both civil and military.

FAA Order 1000.1, as stated in FAA Order 7400.2 “Procedures for Handling Airspace Matters”-implements the FAA’s policy on airspace:

“The navigable airspace is a limited national resource, the use of which Congress has charged the FAA to administer in the public interest as necessary to insure the safety of aircraft and the efficient utilization of such airspace. Full consideration shall be given to the requirements of national defense and of commercial and general aviation and to the public right of freedom of transit through airspace. Accordingly, while a sincere effort shall be made to negotiate equitable solutions to conflicts over its use for non-aviation purposes, preservation of the navigable airspace for aviation must receive primary emphasis.” (FAA Order 7400.2)

FAA Order 7400.2 and FAA Handbook 7610.4H, Special Military Operations-regulates military operations in the National Airspace System. Part 7 of FAA Order 7400.2C contains the policy, procedures, and criteria for the assignment, review, modification, and revocation of special use airspace. The overland special use airspace-including Prohibited Areas, Restricted Areas, Military Operations Areas (MOAs), Alert Areas, and Controlled Firing Areas-is airspace of defined dimensions wherein activities must be confined because of their nature, and/or wherein limitations may be imposed upon aircraft operations that are not a part of those activities (FAA 1991). DoD policy on the management of special use airspace is essentially an extension of FAA policy, with additional provisions for planning, coordinating, managing, and controlling those areas set aside for military use. Airspace policy issues or interservice problems that must be addressed at the DoD level handled by DoD Policy Board on Federal Aviation, a

committee composed of senior representatives from each service. The procedures to modify or establish Special Use Airspace is described in FAA Order 7400.2.

FAA Order 7610.4J Special Military Operations. This order specifies procedures for air traffic control planning, coordination, and services during defensive activities and special military operations. It also defines procedures for operating in MOAs, ATCAAs, Warning Areas, and other special use airspace.

FAA Order 7400.2D Procedures for Handling Airspace Matters. This order prescribes policy, criteria, and procedures applicable to Air Traffic Rules and Procedures Services, as well as other elements involved in rulemaking and nonrulemaking actions associated with airspace allocation and utilization.

Executive Order 10854-extends the responsibility of the FAA to the overlying airspace of those areas of land and water outside the jurisdictional limit of the United States. Under this order, airspace actions must be consistent with the requirements of national defense, must not be in conflict with any international treaties or agreements made by the United States, nor be inconsistent with the successful conduct of the foreign relations of the United States. Accordingly, actions concerning airspace beyond the jurisdiction limit of 22 kilometers (12 nautical miles) beyond the coastline require coordination with the DoD and Department of State, both of whom have preemptive authority over the FAA (FAA Order 7400.2)

14 CFR Part 71; 1997; Federal Aviation Regulation (FAR); Defines federal air routes, controlled airspace, and flight locations for reporting position.

14 CFR Part 73; 1997; Federal Aviation Regulation (SFAR No. 53); Defines and prescribes requirements for special use airspace.

14 CFR Part 91; 1997; Federal Aviation Regulation (FAR); Governs the operation of aircraft within the United States, including the waters within 3 nautical miles of the U.S. Coast. In addition, certain rules apply to persons operating in airspace between 3 and 12 nautical miles from the U.S. Coast.

14 CFR Part 93; 1997 Federal Aviation Regulation (FAR); Governs the special use airspace around Egl8in and establishes corridors for commercial and private aircraft to transit the area.

Federal Aviation Administration (FAA) Handbook 7400.2C; Contains the policy, procedures, and criteria for the assignment, review, modification, and revocation of special use airspace.

Federal Aviation Administration (FAA) Handbook 7110.65; Prescribes air traffic control procedures and phraseology for use by personnel providing air traffic control services in the United States.

Air Force Instruction 13-201; 1-Apr-98; This AFI provides policy on U.S. Air Force airspace management. It provides guidance and procedures for developing and processing special use airspace. It establishes practices to decrease disturbances from flight operations that might cause adverse public reaction, and provides flying unit commanders with general guidance for dealing with local problems.

Air Force Instruction 13-212V1; 28 Jul 94; This AFI provides policy on U.S. Air Force weapons ranges.

Air Force Instruction 13-212V2; 26 Aug 94; This AFI provides policy on U.S. Air Force weapons range management.

Air Force Instruction 13-212V3; 16 Dec 94; This AFI provides policy on U.S. Air Force hazard methodology and weapon safety footprints.

--- Land Resources

16 USC 670a to 670o; 1997-Supp; Sikes Act, Conservation Programs on Military Reservations; DoD, in a cooperative plan with DOI and State, opens AF bases to outdoor recreation, provides the state with a share of profits from sale of resources (timber), and conserves and rehabilitates wildlife, fish, and game on each reservation. AF is to manage the natural resources of its reservations to provide for sustained multipurpose use and public use

16 USC 1451 to 1465; 1997-Supp; Coastal Zone Management Act of 1972 (CZMA); Federal agency activities in coastal zones should be consistent with state management plans to preserve and protect coastal zones. Lands for which the Federal Government has sole discretion or holds in trust are excluded from the coastal zone.

USC 1701 et seq., (Public Law 94-579); 1997-Supp; Federal Land Policy and Management Act of 1976 (FLPMA); Provides that the Sec. of Interior shall develop land use plans for public lands within BLM jurisdiction to protect scientific, scenic, historical, ecological, environmental and archeological values, and to accommodate needs for minerals, food and timber.

16 USC 3501 to 3510; 1997-Supp; Coastal Barrier Resources Act (CBRA); Limits Federal expenditure for activities on areas within the Coastal Barrier Resources System. An exception is for military activities essential to national security, after the Federal agency consults with the Secretary of the Interior.

Air Force Instruction 32-7062; 1-Oct-97; Air Force Comprehensive Planning; Implements AFPD 32-70 by establishing Air Force Comprehensive Planning Program for development of Air Force Installations, ensuring that natural, cultural, environmental, and social science factors are considered in planning and decision making.

Air Force Instruction 32-7063; 1-Oct-98; Air Installation Compatible Use Zone Program (AICUZ); Provides a framework to promote compatible development within area of AICUZ area of influence and protect Air Force operational capability from the effects of land use which are incompatible with aircraft operations.

Air Force Instruction 32-7064; 1-Aug-97; Integrated Natural Resources Management; Provides for development of an integrated natural resources management plan to manage the installation ecosystem and integrate natural resources management with the rest of the installation's mission. Includes physical and biological resources and uses.

Florida Administrative Code Chap. 18-8; Conservation and Recreation Lands; sets forth the procedures for evaluation, selection, and management of lands proposed for public acquisition using moneys deposited in the Conservation and Recreation Lands Trust Fund or moneys allocated from the Florida Preservation 2000 Trust Fund.

--- Noise

42 USC 4901 to 4918, Public Law 92-574; 1997-Supp; Noise Control Act of 1972 (NCA); Provides that each Federal agency must comply with Federal, State, interstate and local requirements for control and abatement of environmental noise.

49 USC 44715; 1997-Supp; Controlling Aircraft Noise and Sonic Boom; Provides that the FAA will issue regulations in consultation with the USEPA to control and abate aircraft noise and sonic boom.

Executive Order 12088; 1978; Federal Compliance with Pollution Control Standards; Requires the head of each executive agency to take responsibility for ensuring all actions have been taken to prevent, control, and abate environmental (noise) pollution with respect to federal activities.

Federal Interagency Committee on Urban Noise (1980); Defines noise levels for various land uses and may result in areas that will not qualify for federal mortgage insurance. Additional sections allow for noise attenuation measures that are often required for HUD approval.

Air Force Instruction 32-7063; 1-Oct-98; Air Installation Compatible Use Zone Program (AICUZ); The AICUZ study defines and maps noise contours. Update when noise

exposure in air force operations results in a change of Day-Night Average Sound Level of 2 decibels (dBs) or more as compared to the noise contour map in the most recent AICUZ study.

--- Water Resources

16 USC 1801 et seq.; 1996-Supp; Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA); Requires federal agencies to assess potential impacts to Essential Fish Habitat for commercial fisheries managed by the National Marine Fisheries Service. An Essential Fish Habitat is described as those waters and substrate necessary for fish spawning, feeding or growth to maturity. Adverse impacts to Essential Fish Habitat have been further defined as those, which reduce quality and/or quantity of Essential Fish Habitat.

33 USC 426, 577, 577a, 595a; 1997-Supp; River and Harbor Act of 1970 (RHA); Keeps navigable waterways open, authorizing the Army Corps of Engineers to investigate and control beach erosion and to undertake river and harbor improvements.

33 USC 1251 et seq.; 1997-Supp; Clean Water Act (CWA) (Federal Water Pollution Prevention and Control Act, FWPCA); In addition to regulating navigable water quality, the CWA establishes NPDES permit program for discharge into surface waters and storm water control; Army Corps of Engineers permit and state certification for wetlands disturbance; regulates ocean discharge; sewage wastes control; and oil pollution prevention.

33 USC 1344-Section 404; 1997-Supp; Clean Water Act (CWA) (Federal Water Pollution Control Act, FWPCA), Dredged or Fill Permit Program; Regulates development in streams and wetlands by requiring a permit from the Army Corps of Engineers for discharge of dredged or fill material into navigable waters. A Section 401 (33 USC 1341) Certification is required from the State as well.

42 USC 300f et seq.; 1997-Supp; Safe Drinking Water Act (SDWA); Requires the promulgation of drinking water standards, or MCLs, which are often used as cleanup values in remediation; establishes the underground injection well program; and establishes a wellhead protection program.

42 USC 6901 et seq.; 29-May-05; Resource Conservation and Recovery Act of 1976 (RCRA); Establishes standards for management of hazardous waste so that water resources are not contaminated: RCRA Corrective Action Program requires cleanup of groundwater that has been contaminated with hazardous constituents.

42 USC 9601 et seq., Public Law 96-510; 11-Dec-80; Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA); Establishes the

emergency response and remediation program for water and groundwater resources contaminated with hazardous substances.

Executive Order 12962, 60 FR, No. 30769; 07-June-95; Recreational Fisheries; federal agencies are required to evaluate “the effects of federally funded, permitted, or authorized actions on aquatic systems and recreational fisheries and document these effects relative to the purposes” of the order.

Executive Order 12114, 44 FR, No. 62; 04-Jan-79; Environmental Effects Abroad of Major Federal Actions. Activities outside the jurisdiction of the United States that significantly harm the natural or physical environment shall be evaluated. An EIS shall be prepared for major federal actions having significant environmental effects within the global commons (i.e., Antarctica, oceans).

Executive Order 12088, Federal Compliance with Pollution Control Standards; requires the head of each executive agency to be responsible for ensuring that all necessary actions are taken for the prevention, control and abatement of environmental pollution with respect to federal facilities and activities under the control of the agency.

Executive Order 11988, Floodplain Management; directs that “any federally undertaken, financed, or assisted construction project must provide leadership and take action to reduce the risk of flood loss, to minimize the impact of floods on human safety, health, and welfare and to restore and preserve the natural and beneficial values served by floodplains.” This order requires each federal agency to determine whether the project will occur in a floodplain and to consider alternatives. If no practical alternative is found, it requires minimizing harm and notifying the public as to why the project must be located in the floodplain. It also provides for public review and comment.

Executive Order 11990, Protection of Wetlands (1977); requires that leadership shall be provided by involved agencies to minimize the destruction, loss, or degradation of wetlands. The order was issued to “avoid to the extent possible the long and short-term adverse impacts associated with the destruction or modification of wetlands and to avoid direct or indirect support of new construction in wetlands whenever there is a practicable alternative.” Federal agencies are required to provide for early public review of any plans or proposals for new construction on wetlands.

Department of Defense Directive 6050.7; 31-Mar-79; Environmental Effects Abroad of Major Department of Defense Actions. Implements Executive Order 12114.

Air Force Instruction 32-7006 29-Apr-94; Environmental Program in Foreign Countries; Implements DOD Directive 6050.7.

Air Force Instruction 32-7041; 13-May-94; Water Quality Compliance; Instructs the Air Force on maintaining compliance with the Clean Water Act; other federal, state, and local environmental regulations; and related DoD and AF water quality directives.

Air Force Instruction 32-7064; 1-Aug-97; Integrated Natural Resources Management; Sets forth requirements for addressing wetlands, floodplains and coastal and marine resources in an integrated natural resources management plan (INRMP) for each installation.

Florida Statutes Chaps. 253, 258; 1996; Florida Aquatic Preserves Act; Establishes state aquatic preserves.

Florida Statutes Chap. 403, Part I; Florida Air and Water Pollution Control Act; Establishes the regulatory system for water resources in the State of Florida.

Florida Administrative Code Chap. 62-301; Surface Waters of the State; defines the landward extent of surface waters of the State of Florida.

Florida Administrative Code Chap. 62-302; 1995; Surface Water Quality Standards; Classify Florida surface waters by use. Identify Outstanding Florida Waters.

Florida Administrative Code Chap. 62-312; 1995; Florida Dredge and Fill Activities; Requires a State permit for dredging and filling conducted in, on, or over the surface waters of the State.

Florida Administrative Code Chap. 62-520; Groundwater Classes, Standards, and Exemptions-establishes a classification system to designate the present and future most beneficial uses of all ground waters of the state of Florida. Water quality standards are set forth to protect these designated uses.

BIOLOGICAL RESOURCES

--- Animal Resources

16 USC 668 to 668d; 1995; Bald and Golden Eagle Protection Act (BGEPA); Makes it illegal to take, possess, sell, barter, offer to sell, transport, export or import Bald and Golden eagles in the United States. Taking may be allowed for scientific, exhibition, or religious purposes, or for seasonal protection of flocks.

16 USC 703 - 712; 1997-Supp; Migratory Bird Treaty Act (MBTA); protects migratory waterfowl and all seabirds by limiting the transportation, killing, or possession of those birds.

16 USC 1361 et seq.; 1997-Supp; Marine Mammal Protection Act of 1972, as amended (MMPA); Makes it illegal for any person to "take" a marine mammal, which term includes significantly disturbing a habitat, unless activities are conducted in accordance with regulations or a permit.

National Wildlife Refuge System Administration Act; provides for the acquisition, designation, administration, use, and protection of lands administered by the Secretary of the Interior for the conservation of fish and wildlife, including those threatened with extinction. The Act consolidates all Department of Interior wildlife refuges, protection and conservation areas for threatened and endangered fish and wildlife, wildlife ranges, wildlife management areas, and waterfowl production areas into the National Wildlife Refuge System. The Act provides for penalties and the authority to enforce prohibitions, including disturbing, injuring, cutting, burning, removing, destroying, or possessing natural growth, fish, birds, mammals, other animals, nests, or eggs.

Air Force Instruction 32-7064; 1-Aug-97; Integrated Natural Resources Management; Explains how to manage natural resources on Air Force property, and to comply with Federal, State, and local standards for resource management.

Florida Administrative Code Chap. 62-11; Aquatic Animal Damage Valuation; establishes a monetary value to be assessed for damaging specific species.

--- Threatened & Endangered Species

16 USC 668 to 668d; 1995; Bald and Golden Eagle Protection Act (BGEPA); Makes it illegal to take, possess, sell, purchase, barter, transport, export or import, at any time in any manner, any bald or golden eagle, unless done in accordance with regulations or permit conditions.

16 USC 1361 et seq. Public Law 92-574; 1997-Supp; Marine Mammal Protection Act of 1972, (MMPA); Makes it illegal for a person to "take" a marine mammal, which term includes significantly disturbing the habitat, unless done in accordance with regulations or a permit.

16 USC 1531 to 1544; 1997-Supp; Endangered Species Act 1973 (ESA); Federal agencies must ensure their actions do not jeopardize the continued existence of any endangered or threatened species or destroy or adversely modify the habitat of such species and must set up a conservation program. Formal consultation with the U.S. Fish and Wildlife Service is required under Section 7 of the Act for federal projects and other

projects that require federal permits where actions could directly or indirectly affect any proposed or listed species.

50 CFR Part 402; 1996; Endangered Species Act - Interagency Cooperation; These rules prescribe how a Federal agency is to interact with either the FWS or the NMFS in implementing conservation measures or agency activities.

50 CFR Part 450; 1996; Endangered Species Exemption Process; These rules set forth the application procedure for an exemption from complying with Section 7(a)(2) of the ESA, 16 USC 1536(a)(2), which requires that Federal agencies ensure their actions do not affect endangered or threatened species or habitats.

Air Force Instruction 32-7064; 1-Aug-97; Integrated Natural Resources Management; This AFI directs an installation to include in its INRMP procedures for managing and protecting endangered species or critical habitat, including State-listed endangered, threatened or rare species; and discusses agency coordination.

--- Human Safety

29 CFR 1910.120; 1996; Occupational Safety and Health Act, Chemical Hazard Communication Program (OSHA); Requires that chemical hazard identification, information and training be available to employees using hazardous materials and institutes material safety data sheets (MSDS) which provide this information.

Department of Defense Instruction 6055.1; Establishes occupational safety and health guidance for managing and controlling the reduction of radio frequency exposure.

Air Force Instructions 13-212v1 and v2; 18-Jul-94, 26-Aug-94, respectively. Weapons Ranges and Weapons Range Management; Establishes procedures for planning, construction, design, operation, and maintenance of weapons ranges as well as defines weapons safety footprints, buffer zones, and safest procedures for ordnance and aircraft malfunction.

Air Force Instruction 32-2001; 1-Apr-99; The Fire Protection Operations and Fire Prevention Program; Identifies requirements for Air Force fire protection programs (equipment, response time, and training).

Air Force Instruction 32-7063; 1-Oct-98; Air Installation Compatible Use Zone Program (AICUZ). The AICUZ Study defines and maps accident potential zones and runway clear zones around the installation, and contains specific land use compatibility recommendations based on aircraft operational effects and existing land use, zoning and planned land use.

Air Force Instruction 91-301; 1-Jun-96; Air Force Occupational and Environmental Safety, Fire Protection and Health (AFOSH) Program); Identifies occupational safety, fire prevention, and health regulations governing Air Force activities and procedures associated with safety in the workplace.

Air Force Manual 32-1123(I); 14-Sep-98; Airfield and Heliport Planning and Design; Provides standardized criteria for all Department of Defense airfield and heliports; Provides standards and criteria for developing, designing and siting airfields and heliports and establishes a waiver process for deviations from these standards and criteria.

Air Force Manual 91-201; 1-May-99; Explosives Safety Standards; Regulates and identifies procedures for explosives safety and handling as well as defining requirements for ordnance quantity distances, safety buffer zones, and storage facilities.

Department of Defense Flight Information Publication; Identifies regions of potential hazard resulting from bird aggregations or obstructions, military airspace noise sensitive locations, and defines airspace avoidance measures.

--- Habitat Resources

33 USC 1251 et seq.; Clean Water Act of 1977; requires a National Pollution Discharge Elimination System (NPDES) permit for all discharge to reduce pollution that could affect any form of life. Section 404 of this act regulated development in streams and wetlands and requires a permit from the U.S. Army Corps of Engineers.

33 USC Section 1344 et seq., Sections 9 and 10; Rivers and Harbors Act of 1899; regulates all types of development in or over navigable water, including bridges, dam, dikes, piers, wharfs, booms, weirs, jetties, dredging, and filling by requiring a U.S. Army Corps of Engineers permit for such actions. Navigable waters are defined in title 33 CFR Section 329 to include past, present, and potential future use in transporting commerce. Court decisions have expanded protection to estuaries and wetlands.

16 USC Section 661 et seq.; Fish and Wildlife Coordination Act (1934); requires the U.S. Army Corps of Engineers to consult with the USFWS and state wildlife agency or agencies on all permit applications for projects in waterways or wetlands under Corps jurisdiction.

Fish and Wildlife Conservation Act (1980); promotes state programs to conserve, restore, and benefit non-game fish and wildlife and their habitat.

Executive Order 11990; 24-May-77; Protection of Wetlands; Requires federal agencies to minimize the destruction, loss, or degradation of wetlands and to preserve and enhance

the natural and beneficial values of wetlands in their activities. Construction is limited in wetlands and requires public participation.

Executive Order 11988; 24-May-77; Floodplain Management; Directs Federal agencies to restore and preserve floodplains by performing the following in floodplains: not supporting development; evaluating effects of potential actions; allowing public review of plans; and considering in land and water resource use.

Executive Order 13089, Coral Reef Protection; requires that all federal agencies whose actions may affect U.S. coral reef ecosystems shall protect and enhance the conditions of the ecosystem. They will also ensure that any actions they authorize, fund, or carry out will not degrade the conditions of the ecosystem.

Executive Order 12088, Federal Compliance with Pollution Control Standards (1988); requires the head of each executive agency to be responsible for ensuring that all necessary actions are taken for the prevention, control, and abatement of environmental pollution with respect to federal facilities and activities under the control of the agency.

Air Force Instruction 32-7064; 1-Aug-97; Integrated Natural Resources Management; Sets forth requirements for addressing wetlands, floodplains and coastal and marine resources in an integrated natural resources management plan (INRMP) for each installation.

Florida Administrative Code Chap. 18-20; Florida Aquatic Preserves – Manages all sovereignty lands (i.e., those lands including, but not limited to: tidal lands, islands, sandbars, shallow banks, and lands waterward of the ordinary or mean high water line, to which the State of Florida acquired by virtue of statehood.) primarily for the maintenance of essentially natural conditions, the propagation of fish and wildlife, and public recreation, including hunting and fishing where deemed appropriate by the managing agency.

OTHER RESOURCES

--- Hazardous Materials

7 USC 136 et seq., Public Law 92-516; 1997-Supp; Federal Insecticide, Fungicide, and Rodenticide Act Insecticide and Environmental Pesticide Control (FIFRA); Establishes requirements for use of pesticides that may be relevant to activities at Eglin Air Force Base.

42 U.S.C. Sect. 2011 - Sect. 2259; 1997-Supp; Atomic Energy Act of 1954 (AEA); Assures the proper management of source, special nuclear, and byproduct radioactive materials.

42 USC 6901 et seq.; 1980; Resource Conservation and Recovery Act of 1976 and Solid Waste Disposal Act of 1980 (RCRA); Subchapter III sets forth hazardous waste management provisions; Subchapter IV sets forth solid waste management provisions; and Subchapter IX sets forth underground storage tank provisions; with which Federal agencies must comply.

Hazardous and Solid Waste Amendments (HSWA) of 1984; Significantly expanded the scope and requirements of RCRA and mandated the underground storage tank (UST) regulations.

42 USC 9601 et seq., Public Law 96-510; 1997-Supp; Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (CERCLA); Establishes the liability and responsibilities of federal agencies for emergency response measures and remediation when hazardous substances are or have been released into the environment.

42 USC 11001 to 11050; 1995; Emergency Planning and Community Right-to-Know Act (EPCRA); Provides for notification procedures when a release of a hazardous substance occurs; sets up community response measures to a hazardous substance release; and establishes inventory and reporting requirements for toxic substances at all facilities.

42 USC 13101 to 13109; 1990; Pollution Prevention Act of 1990 (PPA); Establishes source reduction as the preferred method of pollution prevention, followed by recycling, treatment, then disposal into the environment. Establishes reporting requirements to submit with EPCRA reports. Federal agencies must comply.

Toxic Substance Control Act (TSCA) of 1976; Principally regulates PCBs and asbestos containing materials in schools.

Federal Insecticide, Fungicide and Rodenticide Act (FIFRA); as amended in 1988 addresses the applications and disposal of pesticides and pesticide containers.

Air Force Instruction 32-7020; 19-May-94; The Environmental Restoration Program; Introduces the basic structure and components of a cleanup program under the Defense Environmental Restoration Program. Sets forth cleanup program elements, key issues, key management topics, objectives, goals and scope of the cleanup program.

Air Force Instruction 32-7042; 12-May-94; Solid and Hazardous Waste Compliance; Provides that each installation must develop a hazardous waste (HW) and a solid waste (SW) management plan; characterize all HW streams; and dispose of them in accordance with the AFI. Plans must address pollution prevention as well.

Air Force Instruction 32-7080; 12-May-94; Pollution Prevention Program; Each installation is to develop a pollution prevention management plan that addresses ozone

depleting chemicals; EPA 17 industrial toxics; hazardous and solid wastes; obtaining environmentally friendly products; energy conservation, and air and water.

Air Force Instruction 32-7086; 1-Aug-97; Hazardous Materials Management; Establishes procedures and standards that govern the management of hazardous materials throughout the Air Force. It applies to all Air Force personnel, who authorize, procure, issue, use, or dispose of hazardous materials; and to those who manage, monitor, or track these activities.

Air Force Policy Directive 40-2; 8-Apr-93; Radioactive Materials; Establishes policy for control of radioactive materials, including those regulated by the US Nuclear Regulatory Commission (NRC), but excluding those used in nuclear weapons.

Florida Administrative Code Chap. 62-730; Hazardous Waste; establishes the definitions to used in Florida's hazardous waste management program and establishes procedures by which hazardous waste may be identified.

Florida Administrative Code Chap. 62-731; County and Regional Hazardous Waste Management Programs; establishes program procedures and requirements.

--- Cultural Resources

16 USC 431 et seq.; PL 59-209; 34 Stat. 225; 43 CFR 3; 1906; Antiquities Act of 1906; Provides protection for archeological resources by protecting all historic and prehistoric sites on Federal lands. Prohibits excavation or destruction of such antiquities without the permission (Antiquities Permit) of the Secretary of the department that has the jurisdiction over those lands.

16 USC 461 to 467; 1997-Supp; Historic Sites, Buildings and Antiquities Act (HAS); Establishes national policy to preserve for public use historic sites, buildings and objects of national significance: the Secretary of the Interior operates through the National Park Service to implement this national policy.

16 USC 469 to 469c-1; 1997-Supp; Archaeological and Historic Preservation Act of 1974 (AHPA); Directs Federal agencies to give notice to the Sec. of the Interior before starting construction of a dam or other project that will alter the terrain and destroy scientific, historical or archeological data, so that the Sec. may undertake preservation.

16 USC 470aa-470mm, Public Law 96-95; 1997-Supp; Archaeological Resources Protection Act of 1979 (ARPA); Establishes permit requirements for archaeological investigations and ensures protection and preservation of archaeological sites on federal and tribal lands. ARPA sets descriptions of prohibited activities in regards to cultural resources and provides financial and incarceration penalties for convicted violators.

16 USC 470 to 470w-6-16 USC 470f, 470h-2; 1997-Supp; National Historic Preservation Act (NHPA); The NHPA is our Nation's keystone federal law for historic preservation. Section 106 of NHPA is a planning process that requires Federal agencies to take into account the effects of their actions on historic properties and to provide ACHP with a reasonable opportunity to comment on those actions. Section 106 regulations explicitly address NEPA (see 36CFR§800.8).

25 USC 3001 - 3013), (Public Law 101-601); 1997-Supp; Native American Graves Protection and Repatriation Act of 1991 (NAGPRA); provides for the rights of Native American lineal descendants, Indian tribes, and Native Hawaiian organizations with respect to the treatment, repatriation, and disposition of Native American human remains, funerary objects, sacred objects, and objects of cultural patrimony, with which they can show a relationship of lineal descent or cultural affiliation.

42 USC 1996; 1994; American Indian Religious Freedom Act (AIRFA); Federal agencies are to make reasonable efforts to accommodate access to sites, use and possession of sacred objects, and the freedom to worship through ceremonial and traditional rites in the practice of their traditional religions.

Historical Sites Act of 1935; Provides the basis for the establishment of national landmarks which represent "outstanding examples of landforms, geological features, etc., or fossil deposits."

Executive Order 11593, 16 USC 470; 13-May-71; Protection and Enhancement of the Cultural Environment; Instructs federal agencies to identify and nominate historic properties to the National Register, as well as avoid damage to Historic properties eligible for National Register.

Executive Order 13007; 24-May-96; Directs federal agencies to provide access to and ceremonial use of sacred Indian sites by Indian religious practitioners as well as promote the physical integrity of sacred sites.

32 CFR Part 200; 1996; Protection of Archaeological Resources: Uniform Regulations; Implements ARPA; provides that no person may excavate or remove any archaeological resource located on public lands or Indian lands unless such activity is conducted pursuant to a permit issued under this Part or is exempted under this Part.

36 CFR Part 60; 1996; Nominations to National Register of Historic Places; Details how the Federal agency Preservation Officer is to nominate properties to the NPS for consideration to be included on the National Register.

36 CFR Part 800; 5-Aug-04; Protection of Historic and Cultural Properties; Sets out the requirements of Section 106 of the National Historic Preservation Act (NHPA): under these regulations Federal agencies must take into account the effects of their

undertakings on historic properties and afford the Council a reasonable opportunity to comment on such undertakings.

DoD Directive 4715.16; 18-Sept-08 Cultural Resources Management; This DoDI establishes DoD policy and assigns responsibilities for DoD components (identified in the DoDI) to comply with applicable Federal statutory and regulatory requirements, Executive orders, and Presidential memorandums for the integrated management of cultural resources on DoD-managed lands.

DoD Directive DoDI 4710.02; 14 Sep 06 "DoD; Interactions with Federally-Recognized Tribes: This DoDI implements DoD policy, assigns responsibilities, and provides procedures for DoD branches' interactions with federally-recognized tribes.

Air Force Instruction 32-7065; 1-Jun-04; Cultural Resource Management Program; Directs AF bases to comply with historic preservation requirements, and describes Air Force organizational responsibilities. The AFI provides guidance for principal actions associated with cultural resources compliance: Inventory, Project Review, and General Management.

AF Manual 126-5, Natural Resources, Outdoor Recreation, and Cultural Values; provides guidance, standards, and technical information on management of natural resources, outdoor recreational resources, and cultural resources.

--- Recreation / Visual

43 CFR 8300 Series, Recreation Management; "sets forth procedures and practices for the management and use of public lands for specific kinds of public recreation activities, resource conditions, outdoor recreation occupancy, and resource development." Guidelines are also provided regarding access to public lands and limitations on travel across public lands.

National Wild and Scenic Rivers Act of 1968; defines wild, scenic, and recreational rivers, designates a river classification system, and establishes limits to development on shoreland areas.

Wilderness Act of 1964; requires a wilderness review of roadless areas to determine suitability for designation by Congress as a Wilderness Area.