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**BEFORE THE STATE WATER
RESOURCES CONTROL BOARD**

In the Matter of the State Water Resources)
Control Board (State Water Board))
Hearing to Determine whether to Adopt a)
Draft Cease & Desist Order against)
California American Water Regarding its)
Diversion of Water from the Carmel River)
in Monterey County under Order WR 95-10)

Hearing Date: July 23 - 25, 2008

Carmel River in Monterey County

EXHIBIT MPWMD-HS4

MONTEREY PENINSULA WATER MANAGEMENT DISTRICT

4.9 Environmental Review and Consultation Requirements

This table is mainly a reference for Federal requirements but also includes State agency consultation when required. Additional state law requirements vary widely. An example for the State of California can be found following Table 4.9-1 in Table 4.9-2.

TABLE 4.9-1 REVIEWER'S MATRIX OF FEDERAL AGENCY REVIEW AND CONSULTATION REQUIREMENTS

Activities Requiring Review or Consultation	Agency	Legal Authority	NEPA Handbook Sections	What's Required
Any party proposing to locate a structure, excavate, or discharge dredged or fill material into "Waters of the US" (including wetlands) or to transport dredged material for the purpose of dumping it into ocean waters.	US Army Corps of Engineers	Section 404 of the Clean Water Act, 33 U.S.C. 1344, Executive Order 11990	Coastal 1.4 Water 1.19 Wetlands 1.20	404 Permit; 401 Water Quality Certification may be required from the Regional Water Quality Control Board (varies by state) with jurisdiction in the project area
Construction activities in "navigable waters"	US Army Corps of Engineers; State Department of Fish and Game	Section 10 of the Rivers and Harbors Act of 1899, 33 U.S.C. 403; State CFRs	Water 1.19 Wetlands 1.20	Section 10; Lake and Streambed Alteration Agreement
Activities proposed in floodplains	Federal Emergency Management Agency	Executive Order 11988, Floodplain Management	Water 1.19 Section 3.5 (EO text)	FONPA
Activities affecting endangered species	US Fish and Wildlife Service or the National Marine Fisheries Service; State Department of Fish & Game	Endangered Species Act, 16 U.S.C. 1536 Marine Mammal Protection Act, 16 U.S.C. 1431 et seq.	Biology 1.3 Coastal 1.4 Wetlands 1.20	ESA Consultation (Section 7 on the Federal Level, Section 10 on the State Level); Incidental Take Permit
Activities affecting historical and archaeological resources	Advisory Council on Historic Preservation; State Historic Preservation Office (SHPO)	Sections 106 and 110 of the National Historic Preservation Act, 16 U.S.C. 470	Cultural 1.5	SHPO Consultation; MOA or Programmatic Agreement with the Advisory Council for Historic Preservation
Transportation projects proposed in recreation areas and parks	Federal Highway Administration	Section 4(f) of the Transportation Act of 1966, 49 U.S.C. 303	Land Use 1.11 Recreation 1.15 Traffic 1.17	Section 4(f) Evaluation (includes consultation with public agencies that have jurisdiction over 4(f) resources such as SHPO, ACHP, local landmark advisory boards, DOI, local Parks Depts., etc.)
Activities resulting in the conversion of farmlands	US Department of Agriculture, Soil Conservation Service	Farmlands Protection Policy Act (FPPA) of 1981, 7 U.S.C. 4201	Geology 1.8 Land Use 1.11	Application of Criteria from FPPA to determine effects on agricultural land
Projects in the coastal zone	National Oceanic and Atmospheric Administration; State Coastal Commission	Coastal Zone Management Act, 16 U.S.C. 1451	Coastal 1.4 Water 1.19 Wetlands 1.20	Coastal Determination of Consistency; Coastal Development Permit

TABLE 4.9-1 (con't) REVIEWER'S MATRIX OF POTENTIAL FEDERAL AGENCY ENVIRONMENTAL REVIEW AND CONSULTATION REQUIREMENTS

Activities Requiring Review or Consultation	Agency	Legal Authority	NEPA Handbook Sections	What's Required
Federal actions occurring in federally designated nonattainment or maintenance areas	US Environmental Protection Agency; State and Local Air Quality Boards	Clean Air Act, Section 176(c), 42 USC 7401	Airspace 1.1	Clean Air Act conformity review; Clean Air Act Conformity Determination
All grazing and livestock use on National Forest System Lands and other lands under its control	USDA Forest Service	36 CFR, Part 222	Forestry 1.7 Land Use 1.11	Grazing and Livestock Use Permit
Use of BLM lands for grazing of any livestock	Bureau of Land Management (BLM)	43 CFR, Part 3800 <i>et seq.</i>	Forestry 1.7 Land Use 1.11	Grazing permit or lease
Timber harvesting	USDA Forest Service	36 CFR, Part 223	Forestry 1.7 Land Use 1.11	Timber Operations ; License and Timber Harvesting Plan
Conversion of timberland to non-forest uses through timber operations and immediate TPZ rezoning	USDA Forest Service	36 CFR, Part 251.50-251.64	Forestry 1.7 Land Use 1.11	Timberland Conversion Permit
Surface of National Forest System Lands may be used in conjunction with operations for the sale of mineral materials	USDA Forest Service	36 CFR, Part 228	Forestry 1.7 Geology 1.8 Land Use 1.11	Mineral Exploration and Mining Lease
Recreation special use authorizations are issued to parties that provide accommodations and services on NFS land	USDA Forest Service	36 CFR, Part 251.50	Forestry 1.7 Recreation 1.15 Land Use 1.11	Recreation Special Use Permit
Surface disturbing activities	Bureau of Land Management, USDA Forest Service	36 CFR, Part 228 43 CFR, Part 3833	Forestry 1.7 Geology 1.8 Land Use 1.11	Surface disturbing activities require the submission of a "plan" or "notice" to BLM or to US Forest Service
Onshore oil and gas leasing	Bureau of Land Management	43 CFR, Part 3100	Forestry 1.7 Geology 1.8 Land Use 1.11	Oil and Gas leases
Geothermal exploration and development	Bureau of Land Management	43 CFR, Part 3200, 3209, 3250, 3260	Forestry 1.7 Geology 1.8 Land Use 1.11	Geothermal leases
Removing timber and vegetation resources for commercial or domestic use	Bureau of Land Management	43 CFR, Part 3800 <i>et seq.</i>	Forestry 1.7	Timber Contract/Permit
New road construction or commercial hauling of private timber across BLM land	Bureau of Land Management	43 CFR, Part 3800 <i>et seq.</i>	Forestry 1.7 Land Use 1.11	Right-of-Way Grant
Uses involving access roads, utility lines, communication sites, or any other use involving the placement of either temporary or permanent improvements on BLM lands	Bureau of Land Management	43 CFR, Part 3800 <i>et seq.</i>	Infrastructure/Utilities 1.10 Land Use 1.11	Right-of-Way Grant or Temporary Use Permit