

Table 1. Integrating Environmental Permitting into the Environmental Impact Report and Environmental Impact Statement Processes*

NEPA/CEQA Process Step	Clean Water Act Section 404	Federal Endangered Species Act, California Endangered Species Act**	National Historic Preservation Act Section 106	Others
Determine Lead Agency or Agencies	If proposed activities include discharges into waters of the United States, the U.S. Army Corps of Engineers (USACE) may be the NEPA lead agency.	Request species list from the National Marine Fisheries Service (NMFS), U.S. Fish and Wildlife Service (USFWS), and California Department of Fish and Game (DFG).	Initiate consultation with the State Historic Preservation Officer (SHPO).	Elicit the input of appropriate resource agencies early in the process. ¹
Prepare Environmental Assessment/Initial Study	Conduct surveys to identify waters of the United States on the project site.	<p>Determine the presence of listed species or their potential habitat and the extent of critical habitat on the project site.</p> <p>Consult the Multi-Species Conservation Strategy (MSCS) to determine whether all listed species are covered.</p> <p>Determine whether the proposed action is covered under the MSCS.</p> <p>Determine whether the project proponent will adopt pertinent MSCS conservation measures.</p> <p>Determine whether to seek compliance under the MSCS.</p>	<p>Conduct records search and cultural resource surveys to determine what resources are on the project site.</p> <p>Consult with Native American organizations.</p> <p>Prepare a cultural resources inventory report and submit to the SHPO.</p>	<p>Contact the State Lands Commission to determine whether the project is on land within its jurisdiction.²</p> <p>Contact the Department of Toxic Substances Control and other resource agencies regarding hazardous materials.³</p> <p>Contact agencies responsible for coastal zone regulation to determine which agencies will oversee regulation.⁴</p>
Prepare Statement of Purpose and Need/Project Objectives	Consider implications of purpose and need statement on range of alternatives to be analyzed under the U.S. Environmental Protection Agency (EPA) Section 404(b)(1) Guidelines.			Contact USFWS to determine whether preparation of a Fish and Wildlife Coordination Act report is required. ¹
Complete Scoping (Including Notice of Intent/Notice of Preparation)				Contact local agencies and other interested parties. ⁵ Contact local reclamation districts, affected landowners, and other interested parties. ⁶

Table 1. Continued

NEPA/CEQA Process Step	Clean Water Act Section 404	Federal Endangered Species Act, California Endangered Species Act**	National Historic Preservation Act Section 106	Others
Develop No-Action/No-Project Alternative		Consider that baseline conditions for federal and California Endangered Species Act consultations may be existing conditions rather than the No-Action/No-Project Alternative.		Contact coastal zone regulatory agencies responsible regarding the definition of the No-Action/No-Project Alternative.
Develop Preliminary Set of Alternatives	Ensure that alternative development and screening is done according to EPA Section 404(b)(1) Guidelines.	Ensure that alternatives are developed that avoid or minimize impacts on listed species and critical habitat.	Ensure that alternative(s) avoid or minimize effects on known cultural resources, where practicable.	Avoid or minimize effects on: coastal resources ⁴ ; resources for which rivers have been designated wild and scenic ⁷ ; effects on rivers, streams, or lakes ⁸ ; effects on farmland ⁹ ; and construction where existing hazardous substances exist ³ .
Finalize Set of Alternatives	Ensure that alternative development and screening is done according to EPA Section 404(b)(1) Guidelines.	Ensure that alternatives are selected that avoid or minimize impacts on listed species and critical habitat.	Ensure that alternative(s) avoid or minimize effects on known cultural resources, where practicable.	

Table 1. Continued

NEPA/CEQA Process Step	Clean Water Act Section 404	Federal Endangered Species Act, California Endangered Species Act**	National Historic Preservation Act Section 106	Others
Prepare Draft Environmental Impact Statement/ Environmental Impact Report (EIS/EIR)	Analyze effects of alternatives on waters of the United States. Prepare draft Section 404 alternatives analysis.	<p>Use information from the MSCS to assist in analyzing the effects of alternatives on listed species and their habitats.</p> <p>Include pertinent MSCS conservation measures to mitigate impacts on listed species covered by the MSCS.</p> <p>Coordinate with NMFS, USFWS, and DFG.</p> <p>Determine whether DFG authorization will be through a tiered Natural Community Conservation Plan (NCCP) determination or through a Section 2081 permit.</p> <p>Prepare a draft action specific implementation plan (ASIP) if potential to affect listed species is identified.</p>	<p>Analyze the effects of alternatives on cultural resources.</p> <p>Prepare a Determination of Effects report for resources listed or eligible for listing on the National Register of Historic Places or California Register of Historic Resources.***</p>	<p>Analyze effects of the project on farmland⁹; wetlands, floodplains, and environmental justice¹⁰; the observance of traditional Native American religions¹¹; and Indian trust assets¹².</p> <p>Analyze geotechnical, soil, hydraulic, and sediment transport effects⁶.</p> <p>Analyze effects of construction on water quality and on stormwater quality. Propose best management practices for mitigation.</p> <p>Analyze effects on coastal resources. Prepare draft Coastal Zone Management Act consistency determination.</p>
Circulate Draft EIS/EIR for Review and Hold Public Hearing	Circulate draft Section 404 alternatives analysis. Prepare Section 404 permit application.	Circulate draft ASIP to the public and to NMFS, USFWS, and DFG with draft EIS/EIR, if appropriate. Receive comments, and submit final ASIP with request for formal consultation.	Submit Determination of Effects report to SHPO.	Circulate draft Coastal Zone Management Act consistency determination with draft EIS/EIR.
Prepare and Publish Final EIS/EIR	Prepare final Section 404 alternatives analysis.	Circulate biological opinion/NCCP determination/Section 2081 permit with final EIS/EIR.	Negotiate memorandum of agreement with the SHPO.	Submit final Coastal Zone Management Act consistency determination.

NEPA/CEQA Process Step	Clean Water Act Section 404	Federal Endangered Species Act, California Endangered Species Act**	National Historic Preservation Act Section 106	Others
Adopt/Certify EIS/EIR				
Finalize Agency Decision	Ensure that the preferred alternative is selected according to the EPA Section 404(b)(1) Guidelines.	Incorporate reasonable and prudent measures into the agency decision.		
Issue Record of Decision/Findings, Statement of Overriding Considerations, and Notice of Determination	Submit Section 404 alternatives analysis. USACE issues permit after NEPA process is complete.			Prepare and submit other permit applications.

* This table covers the major steps of various environmental regulations. For more details, see Volume 2.

** Covers the federal Endangered Species Act, California Endangered Species Act, and Natural Community Conservation Planning Act. References to coverage under the MSCS are shorthand for coverage under the programmatic biological opinions and programmatic NCCP determination. See Volume 2 for more information about compliance with the these documents.

*** The California Register of Historic Resources applies only for CEQA documents.

Notes:

- 1 Fish and Wildlife Coordination Act
- 2 State Lands Commission Land Use Lease
- 3 Hazardous materials laws and regulations
- 4 Coastal Zone Management Act
- 5 City and County zoning codes and ordinances
- 6 Reclamation Board Encroachment Permit
- 7 National Wild and Scenic Rivers Act, California Wild and Scenic Rivers Act
- 8 Section 1600 Lake or Streambed Alteration Agreement
- 9 Farmland Protection Policy Act
- 10 Executive Orders 11990, 11988, and 12898
- 11 American Indian Religious Freedom Act of 1978
- 12 Per Department of Interior and individual agency guidelines