

Table 2. Integrating Environmental Permitting into the Finding of No Significant Impact and Negative Declaration 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 SHPO.	Elicit the input of appropriate resource agencies early in the process. ¹ Contact the State Lands Commission to determine whether the project is on land within its jurisdiction. ² Contact the Department of Toxic Substances Control and other resource agencies regarding hazardous materials. ³
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

Table 2. 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 Environmental Assessment/Initial Study	<p>Conduct surveys to identify waters of the United States on the project site.</p> <p>Ensure that alternative development and screening is done according to EPA Section 404(b)(1) Guidelines.</p> <p>Analyze effects of alternatives on waters of the United States.</p> <p>Prepare draft Section 404 alternatives analysis.</p>	<p>Conduct surveys to determine presence of listed species or their potential habitat and the extent of critical habitat on the project site.</p> <p>Consider baseline conditions for Multi-Species Conservation Strategy (MSCS) consultations when developing the No-Action/No-Project Alternative.</p> <p>Ensure that alternatives are developed that avoid or minimize impacts on endangered species.</p> <p>Analyze effects of alternatives on listed species and critical habitat.</p> <p>Prepare draft action specific implementation plan (ASIP) if potential to affect listed species is identified.</p>	<p>Conduct 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 State Historic Preservation Officer (SHPO).</p> <p>Ensure that alternative(s) avoid or minimize effects on known cultural resources.</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 and the California Register of Historic Resources***.</p>	<p>Contact local agencies and other interested parties.⁴ Contact local reclamation districts, affected landowners, and other interested parties.⁵</p> <p>Avoid effects on resources for which rivers have been designated wild and scenic⁶; effects on rivers, streams, or lakes⁷; effects on farmland⁸; and construction where existing hazardous substances exist.³</p> <p>Analyze effects of the project on farmland⁸; wetlands, floodplains, and environmental justice⁹; the observance of traditional Native American religions¹⁰; and Indian trust assets.¹¹</p>
Identify Mitigation Measures and Incorporate Them Into Project Description		<p>Ensure that the proposed project avoids or minimizes impacts on listed species.</p> <p>Consider MSCS requirements when selecting mitigation measures.</p>		

Table 2. 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 Finding of No Significant Impact (FONSI)/Negative Declaration	Circulate draft Section 404 alternatives analysis.	Circulate the draft ASIP to the public or NMFS, USFWS, and DFG with draft FONSI/negative declaration, if appropriate.	Submit Determination of Effect report to the SHPO.	
Meet Requirements for Public Notice and Review				Contact all parties listed above under Publish Notice of Intent .
Consider Comments Received		Receive comments on draft ASIP and submit final ASIP with request for formal consultation.	Negotiate memorandum of agreement with the SHPO.	
Issue FONSI/Adopt Negative Declaration	Prepare final Section 404 alternatives analysis. Ensure that the preferred alternative is selected according to EPA Section 404(b)(1) Guidelines. Submit Section 404 alternatives analysis with USACE Section 404 permit application.	Receive biological opinion or not likely to effect concurrence letter. Incorporate reasonable and prudent measures, if any received, into FONSI/negative declaration.		

* 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 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 City and County zoning codes and ordinances
 - 5 Reclamation Board Encroachment Permit
 - 6 National Wild and Scenic Rivers Act, California Wild and Scenic Rivers Act
 - 7 Section 1600 Lake or Streambed Alteration Agreement
 - 8 Farmland Protection Policy Act
 - 9 Executive Orders 11990, 11988, and 12898
 - 10 American Indian Religious Freedom Act of 1978
 - 11 Per Department of Interior and individual agency guidelines
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